Reg. No. [illegible]



KERALA GAZETTE

SUPPLEMENTS

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 14th December 1982 / 23rd Agrahayana 1904 (Saka) [No. 49

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Government of Kerala
1982

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 14th December 1982 / 23rd Agrahayana 1904 [No. 936

GOVERNMENT OF KERALA

Local Administration and Social Welfare (D) Department

NOTIFICATIONS

G. O. Rt. 3903/82/LA&SWD. *Dated, Trivandrum, 9th December,* 1982.

I

S. R. O. No. 1535/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri P. V. Jose, Councillor, Chalakudy Municipal Council, has been elected as the Chairman of the said Municipal Council, at its special meeting held on the 14th June, 1982.

II

S. R. O. No. 1536/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri M. N. Many, Councillor, Chalakudy Municipal Council has been elected as the Vice-Chairman of the said Municipal Council, at its meeting held on the 30th August, 1982.

III

S. R. O. No. 1537/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election

of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri K. Thankappan, Councillor, Quilon Municipal Council has been elected as the Chairman of the said Municipal Council, at its special meeting held on the 21st August, 1982.

IV

S. R. O. No. 1538/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri V. G. Thomas, Councillor, Shertallai Municipal Council, has been elected as the Chairman of the said Municipal Council, at its special meeting held on the 25th September, 1982.

V

S. R. O. No. 1539/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961)read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri E. K. Abubacker, Councillor, Ponnani Municipal Council, has been elected as the Chairman of the said Municipal Council, at its special meeting held on the 18th September. 1982.

VI

S. R. O. No. 1540/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri Jacob Kachappilly, Councillor, Angamaly Municipal Council, has been elected as the Vice-Chairman of the said Municipal Council, at its special meeting held on the 23rd April, 1982.

VII

S. R. O. No. 1541/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri N. K. Saradanandan, Councillor, Trichur Municipal Council has been elected as the Vice-Chairman of the said Municipal Council, at its meeting held on the 23rd June, 1982.

VIII

S.R.O. No. 1542/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman), Rules, 1961, it is hereby notified that Shri Nanthyelath Gangadhara Menon, Councillor, Kodungallur Municipal Council has been elected as the Vice-Chairman of the said Municipal Council, at its meeting held on the 31st July, 1982.

IX

S. R. O. No. 1543/82.—Under section 36 of the Kerala Municipalities Act' 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri M.O. John, Councillor, Alwaye Municipal Council, has been elected as the Vice-Chairman of the said Municipal Council, at its special meeting held on the 27th July, 1982.

X

S. R. O. No. 1544/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri T. K. Hariharan, Councillor, Tripunithura Municipal Council, has been elected as the Vice-Chairman of the said Municipal Council at its special meeting held on the 28th July, 1982.

XI

S. R. O. No. 1545/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri K. P. Rappai, Councillor, Palghat Municipal Council, has been elected as the Vice-Chairman of the said Municipal Council, at its special meeting held on the 12th October, 1982.

XII

S. R. O. No. 1546/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri K. V. Ali Mohammed, Councillor, Ponnani Municipal Council has been elected as the Vice-Chairman of the said Municipal Council, at its special meeting held on the 8th October, 1982.

By order of the Governor,

MARC C. JOHN,

Deputy Secretary.

Explanatory Note

(This does not form part of the notification but is intneded to indicate its general purport).

The Municipal Councils specified above have elected their Chairmen/Vice-Chairmen. Under section 36 of the Kerala Municipalities Act, 1960, the election of Chairman and Vice-Chairman has to be notified in the Gazette. The notification is intended to achieve the above object

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1982

Kerala Cazette No. 49 dated 14th December 1982.
PART I

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—COMMISSIONER FOR ADMINISTRATIVE REFORMS—FUNCTIONS AND DUTIES—ORDERS ISSUED.

PERSONNEL & ADMINISTRATIVE REFORMS (E) DEPARTMENT

G.O. (Rt.) No. 276/82/P&ARD. *Dated, Trivandrum, 1st November* 1982.

Read:—G. O. (Rt.) No. 3823/82/GAD. dated 2-6-1982.

ORDER

In the C. O. read above the post of Commissioner for Administrative Reforms has been newly created and Sri S. Anantakrishnan, I. A. S. has been posted as the Commissioner. Government are now pleased to order that the Commissioner for Administrative Reforms will be entrusted with the following functions:—

(i) To review the various recommendations of the Commissions/Committees for Administrative Reforms appointed by the Government in the recent past and to submit a firm action plan for their implementation.

(ii) To review the working of the present Administrative organisation of the Government at different levels with a view to assessing their adequacy to carry out the given tasks and to eliminate duplication/overlapping, if any, in services/activities/functions among the Departments.

(iii) To suggest methods to promote efficiency, cost consciousness and improved service at the cutting edge level of administration; redefining the role of Public Relations.

(iv) To examine the adequacy of the existing system for the implementation of development schemes and to devise guidelines for the formulation/sanction/execution/concurrent monitoring and review of the progress of their implementation.

(v) In the field of Financial Management, to suggest methods for making more effective use of budgeting, accounting and other financial measures for better financial management and control.

(vi) To suggest better methods for Personnel Management, and

(vii) Any other functions that Government may entrust with the Commissioner for Administrative Reforms from time to time.

By order of the Governor,

R. GOPALASWAMY,

Chief Secretary to Government.

To

The Commissionor for Administrative Reforms, Trivandrum
All Secretaries/Special Secretaries to Government
All Officers in the Secretariat of and above the rank of Under Secretaries (including Law and Finance).
All Departments (all Sections) of the Secretariat (including Law and Finance)
All Heads of Departments and District Collectors
Registrar, High Court of Kerala (with C.L.)
The Secretary, Kerala Public Service Commission (with C.L.)
The Secretary to Governor (with C. L.)
The Private Secretaries to Chief Minister, Deputy Chief Minister and other Ministers
The Deputy Secretary to Chief Secretary
The Advocate General, Ernakulam (with C.L.)
The General Manager, Kerala State Road Transport Corporation (with C.L.)
The Secretary, Kerala State Electricity Board, (with C. L.)
All Managing Directors of Public Sector Undertakings.
The Accountant General, Kerala, Trivandrum
The Registrar, University of Kerala/Cochin/Calicut (with C.L.)
The Registrar, Agricultural University, Mannuthy, Trichur
The General Administration Department (Special-A)
The Confidential Assistant to Special Secretary (P&ARD)

Kerala Gazette No. 49 dated 14th December 1982.
PART I

GOVERNMENT OF KERALA

Health (D) Department

ERRATUM

No. 52412/D1/82/HD. *Dated, Trivandrum, 20th November* 1982.

In the Rules published under Notification G. O. (P) No. 35/82/HD dated the 20th February, 1982, as S.R.O. No. 434/82 in Part I of the Kerala Gazette No. 13 dated the 30th March 1982, in the short title for "1981" *read* "1982".

By order of the Governor,
N. KRISHNAN NAIR,
Special Secretary to Government.

G. 1757.

Kerala Gazette No. 49 dated 14th December 1982.
PART I

GOVERNMENT OF KERALA

Irrigation and Rehabilitation (Interstate Waters) Department

NOTIFICATION

No. 17816/IW3/81/I&R. *Dated, Trivandrum,* 10*th December,* 1982

The following draft of the rules further to amend the Irrigation Rules, 1958 which the Government of Kerala propose to make in exercise of the powers conferred by section 42 of the Travancore-Cochin Irrigation Act, 1956 (VII of 1956), is hereby published for general information as required by subsection (1) of the said section.

Notice is hereby given that the said draft will be taken up for consideration on or after 17-1-1983, and that any objection or suggestion that may be received from any person likely to be affected thereby in respect of the said draft, before the date specified above, will be considered by the Government.

Objections or suggestions, if any, shall be addressed to the Special Secretary to Government, Irrigation and Rehabilitation Department, Secretariat, Trivandrum.

DRAFT RULES

1. *Short title.*—These rules may be called the Irrigation (Amendment) Rules, 1982.

2. *Amendment to the rules.*—In the Irrigation Rules, 1958,

(1) after rule 7 the following rule shall be inserted, namely:—

"7A. The following procedure shall be observed for the levy of cess under subsection (2) of section 5 of the Act:—

(a) As soon as possible after the provision of Irrigation facilities from a Minor Irrigation Work, the Executive Engineer in-charge of the work shall furnish to the Collector of the district, a report in form X.

(b) On receipt of the report, the Collector shall tentatively fix the annual cess per hectare to be levied after making such enquiries as may be deemed necessary. The Collector shall also publish in his Office, in the Taluk Office and in the Panchayat Office concerned and also in the Office of the Executive Engineer in-charge of the work, a statement in Form D and order that cess shall be levied and recovered on the basis of the said statement tentatively.

(c) After the publication of the statement in Form D, the Tahsildar shall prepare a list of persons in actual occupation or possession of the land and the amount of cess payable by each such person and issue notice in Form E, which shall be duly served on the person in actual occupation or possession of the land.

(d) Any person aggrieved by the notice may appeal to the Revenue Divisional Officer within 30 days of the date of receipt of such notice.

(e) If it is found after considering the appeal that the land shown in the notice is not actually benefited by the Irrigation work, the Revenue Divisional Officer may exclude such land from assessment. If he is not so satisfied, he may reject the appeal and inform the appellant and the Tahsildar accordingly.

(f) The particulars of the land, excluded from assessment shall be communicated to the Tahsildar and the Tashildar shall cause levy of cess on the land so excluded being cancelled and the amount of cess already recovered being refunded.

(g) The decision of the Revenue Divisional Officer shall be final.

(h) Notwithstanding anything contained in clauses (a) to (g) the Collector may, at any time, revise any case on application or otherwise, and exclude any land or group of lands which he is satisfied, on the report of the Executive Engineer in-charge of the irrigation work or otherwise, is not benefited by the irrigation work, from the list of lands benefited by such irrigation work, subject to the condition that such exclusion shall be for the reason that non-enjoyment of benefit is not due to any default attributable to the person in actual occupation or possession of the land".

(2) after Form C, the following Forms shall be inserted, namely:—

FORM D

(*See* Rule 7 A)

Name of Minor Irrigation work..

Total area benefited	Taluk, Village and Survey Nos. of the lands benefited and area	Capital outlay after making provision for depreciation and maintenance	The date of provision of irrigation facilities	Rate of water cess recommended by the Executive Engineer under Section 5 (2) (per hectare or part thereof)	Rate of water cess fixed by the Collecter (per hectare or part thereof)
(1)	(2)	(3)	(4)	(5)	(6)

Signature.

FORM E

(*See* Rule 7 A)

NOTICE

Whereas the land mentioned in the appended statement of which you........................are the land holder, has been benefited by the (Name and Address) Irrigation work .... from ....which is the date on which irrigation facilities were given to the lands, and whereas you are liable to pay a cess of Rs...................................as mentioned in the statement in two equal instalments in accordance with rule 8 of the Irrigation Rules, 1958, you are hereby directed to pay the amount in two equal instalments on the 15th of.. 19............ and on the 15th....................19..................to the Village Officer,........................... Village.

Arrears of instalments of cess shall bear interest at the rate of 4 per cent per annum.

Note:-"Any Person who may have any objection to this notice may appeal to the Revenue Divisional Officer within 30 days of the date of receipt of the Notice".

Place:
Date:

(Seal)

Tahsildar.

Statement

Details of lands benefited

Name of land holder

(Taluk, Village)	Taluk	Village	Sy. No.	Class	Extent H. A Sq. M.	Amount of annual cess	Amount due for 1st instalment	Amount due for 2nd instalment	Arrears due	Total amount due
						Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

(3) after Form IX, the following form shall be inserted, namely:

FORM X

(*See* Rule 7 A)

Name of Minor Irrigation Work...

Total area benefited	Taluk, Village and Survey numbers of the lands benefited and area	Capital outlay incurred by the Government after making provision for depreciation and maintenance	Date of provision of irrigation facitities	Rate of cess recommended by the Executive Engineer under section 5 (2) (Per Hectare or part thereof)
(1)	(2)	(3)	(4)	(5)

Signature".

By order of the Governor,
G. GOPALAKRISHAA PILLAI,
Special Secretary to Government.

Explanatory Note

(This does not from part of the notification, but is intended to indicate the general purport.)

The procedure for assessment and collection of water cess laid down under rules 4 to 9 in the Travancore Cochin Irrigation Rules applies only to Major Irrigation Works. The Rules, as they now stand, do not lay down the Procedure for assessment and collection of water cess in respect of minor irrigation works It is therefore considered necessary to include suitable provision in the Rules, laying down the procedure for assessment and levy of irrigation cess in respect of minor irrigation works also.

The notification is intended to achieve the above objective.

Kerala Gazette No. 49 dated 14th December 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1091/82/LBR. *Dated, Trivandrum, 6th October 1982.*

The award of the Labour Court, Quilon in respect of the dispute between Shri N. Sundareswaran, Cashew Exporter & Tin Manufacturer, P.B.No.43, Quilon and his workman Shri K. G. Madanan, Areekkasseril Veedu, Arinalloor P. O., Thevalakkara received by Government on 30-9-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act, XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Quilon

Wednesday, 15th September, 1982

Present:

SHRI T. V. KUNHAHAMED, B. A., B. L.,
Presiding Officer

INDUSTRIAL DISPUTE No. 24/77

Between

Sri N. Sundareswaran, Cashew Exporter & Tin Manufacturer, P.B. No. 43, Quilon.

And

Sri K. C. Madanan, Areekkasseril Veedu, Arinalloor P. O., Thevalakkara.

Representations.—

Sri K. Velappan Pillai, Advocate, Quilon .. For *the Employer.*

Sri K. Sivadasan, Advocate, Quilon. .. For *the Worker.*

AWARD

This is an industrial dispute referred for adjudication by the Government of Kerala as per G. O. (Rt) No. 618/77/LBR dated 20-5-1977.

2. Sri K. G. Madanan, who shall hereinafter be referred to as the 'Workman' was employed as a Clerk in a cashew factory owned by Sri N. Sundareswaran, who shall hereinafter be referred to as the 'Management'. The case of the Management is that the workman had absented himself from 28th August 1972, that he was kept under suspension for unauthorised absence, that an enquiry was conducted and based on the findings of the enquiry officer the workman was dismissed. The case of the workman is that there was no enquiry and there was no dismissal and the records relating to the enquiry and dismissal were created with a view to disallow subsistance allowance and other benefits to the workman. At the trial stage, the workman has put forward a case that at first he had applied for leave to the Manager of the Factory and the second application for leave was filed at the Head Office. At the out set it has to be stated that the case regarding the filing of the applications for leave does not find place in the claim statement filed by the worker.

3. My learned predecessor considered the question regarding the validity of the enquiry and came to the conclusion that there was no proper enquiry against the workman. The preliminary order dated 29th June 1981 shall be appended to this award.

4. The first aspect to be considered is whether the workman had absented himself without leave. M.W. 1 the Manger of the Factory has stated that the workman absented himself from 28th August 1972 and a show cause notice was issued on 15th September 1972 and he was kept under suspension from 19th September 1972. It was suggested in cross-examination, that the elder brother of the workman died one week before 28th August. The witness stated that he had not heard of that death. The witness admitted that the company is maintaining leave register. The witness denied the suggestion that on 28th August the workman had handed over the application for leave to him. The witness also denied the suggestion that he is giving false evidence with a view to gain favours from the proprietor of the concern. As against this, the workman stated that the application for leave for seven days was filed before the Manager and for the subsequent period the application was filed in the Head Office. The witness stated in cross-examination that he does not remember whether he had absented himself from 28th August 1972. He stated that he had applied for leave on the ground that his younger brother had died. The witness does not remember the date of his younger brother's death. The recollection of the witness is that on 11th July, 1972 he had written a letter stating that his younger brother died on 1st July, 1972. The witness does not remember whether he had stated in the letter that the funeral function (അടിയന്തിരം) is on 15th July, 1972. The witness does not remember the date on which he had given the second application for leave to the Proprietor. He stated that he had reported for duty on one day during

the period commencing from 28th August, 1972 and ending with 19th September 1972.

5. Admittedly the workman was absent during the period commencing from 28th August 1972. In support of his contention, that he bad applied for leave the workman has relied on the circumstance that the management has not produced in court the leave register the existance of whicb has been admitted by M.W.1. As against this, it was contended on behalf of the management that having admitted that he was absent the workman should show that he had applied for leave. The fact, that no such plea has been incorporated in the claim statement filed by the workman, goes a long way to show that there was no application for leave. Further the reason alleged for applying for leave is the death of his younger brother. The admission made by the workman would indicate that the younger brother died in July and not in August. The workman has not adduced any evidence regarding the date of death of his younger brother. Considering all the above circumstances, I feel, little hesitation in coming to the conclusion, that the workman had unauthorisedly absented himself from duty from 28th August 1972 onwards. I hold, that the charge levelled against him has been proved.

6. The next question to be considered is regarding the propriety of the punishment imposed on the workman. The workman had absented himself from duty for about two weeks without applying for leave. The punishment of dismissal appears to be too severe a punishment for that misconduct. The workman has been kept out of employment for the last about 10 years. I feel that the punishment of disallowance of back wages would be sufficient to meet the ends of justice. I therefore hold that the workman should be reinstated and that he shall not be entitled to back wages.

7. In the result, I pass an award, directing the management to reinstate Sri K. G. Madanan. He shall not be entitled to back wages from 28-8-1972 till the date of coming into force of this award.

This award shall come into force after expiry of one month from the date of publication of this award in the Kerala Government Gazette.

T. V. Kunhahamed

Presiding Officer.

Appendix

In the Labour Court, Quilon

Present:

Shri. M. Raghavan B.Sc.B.L.,

Presiding Officer:

Dated this the 29th day of June, 1981/8th Ashadha. 1903.

INDUSTRIAL DISPUTE No. 24/77

Between

Shri N. Sundareswaran, Gashew Exporter & Tin Manufacturer,
P. B. No. 43, Quilon.

And

The workmen of the above concern namely Sri K. G. Madanan,
Areekkasseril Veedu, Arinalloor P. O., Thevalakkara.

Representations:—

Sri K. Velappan Pillai,
Advocate, Quilon .. For *the Employer*

Sri K. Sivadasan,
Advocate, Quilon .. For *the Workman*

PRELIMINARY ORDER

This reference relates to the dismissal of Sri K. G. Madanan, Clerk hereinafter referred to as the 'workman' by his employer Sri N. Sundareswaran, Cashew Exporter & Tin Manufacturer, P. B. No. 43, Quilon, hereinafter referred to as the 'employer'. The dispute was referred to this court as per G. O. (Rt.) No. 618/77/LBR dated 20-5-1977.

2. The workman in his statement alleges that he was suspended with effect from 15-9-1972 hy the employer alleging that he was habit ally absenting himself without leave, that, though he received notices stating that an enquiry would be held, no enquiry was actually held though he was present and that it is learnt that the employer has made records to the effect that the workman was absent at the enquiry. He further states that without any enquiry he was dismissed with effect from 15-9-1972. He further alleges that the General Manager, who is stated to have conducted the enquiry was a mere implement in the hand of the employee and was hostile to him.

3. The employer denies the allegations of the workman and contends that an enquiry was duly held that the workman close to remain absent and that he was dismissed for serious misconduct.

4. The question whether there was a proper enquiry was considered as a preliminary issue after examination of the enquiry officer as M.W.1 and proof of the enquiry records Ext. M1 series.

5. M.W.1 the General Manager of the establishment in question.. No doubt the mere fact that he is an employee of the management is not a ground to presume bias. The establishment here is a proprietory concern. The enquiry officer is none other than the brother-in-law of the employer. The relationship between the two is not merely that of an employee and employer. The personal relationship between them justifies an inference of

possible bias. In my view the enquiry conducted by the brother-in-law of the employer cannot be considered to be fair for this reason.

6. In the result, I find that there was no proper enquiry against the workman. The employer is given an opportunity to substantiate the action taken.

Declared in open court on this the 29th day of June, 1981.

(Sd.)
M. RAGHAVAN,
Presiding Officer.

Appendix

Witness examined on the side of the Management :

MW1—T.P. Sukumaran.

Exhibits marked on the side of the Management :

Ext. M1. series—Enquiry records.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1073/82/LBR. *Dated, Trivandrum, 1st October* 1982.

The award of the Labour Court, Quilon in respect of the dispute between the Managing Director, Kerala Kaumudi Private Ltd., Trivandrum and their workman Shri B. Regunathan (Junior Clerk—Discharged—Kerala Kaumudi Daily, Trivandrum) Mayooram House, Keezharoor P. O., Neyyattinkara received by Government on 18-9-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Quilon

Present:

SHRI T. V. KUNHAHAMED, B. A., B. L.

Presiding Officer:

Wednesday, the 26th August, 1982

INDUSTRIAL DISPUTE No. 147/77

Between:

The Managing Director, Kerala Kaumudi Private Ltd., Trivandrum

And

Shri B. Regunathan (Junior Clerk—Discharged—Kerala Kaumudi Daily, Trivandrum) Mayooram House, Keezharoor P. O., Neyyattinkara

Representations:

Shri N. Krishnan Kutty, Advocate, Trivandrum } For *the Management*

Shri R. Lekshmana Ayyar, Advocate, Trivandrum } For *the Workman*

AWARD

This is an industrial dispute referred for adjudication by the Government of Kerala as per G.O. (Rt) No. 1650/77/LBR dated 20-12-1977. The dispute referred is:—

"Whether the discharge of Sri B. Regunathan, Junior Clerk from Kerala Kaumudi Pvt. Ltd., Trivandrum on the issue of misconduct justifiable? If not what is the legal remedy for the workman, to be allowed, in this context?".

2. For the sake of convenience, Sri Regunathan shall hereinafter be referred to as the 'Workman' and the Kerala Kaumudi Pvt. Ltd., shall hereinafter be referred to as the 'Management'.

3. The workman entered appearance and filed a claim statement raising the following contentions: Ever since he entered service as a Junior Clerk on 1-4-1968 he was a member of the Trivandrum District Non-Journalist Association. He resigned from this union in April 1971 since he felt that the union was only a mouth-piece of the management. In March, 1972 the workman and his colleagues formed another union called the 'Kerala Kaumudi Employees' Union'. The workman was elected as the Secretary of the union and he continued in that capacity till the year 1975. In his capacity as Secretary of the union, the workman had to take up a number of issues before the management on several matters. His union was responsible for submitting some complaints before the Factories Inspector regarding some omissions on the part of the management. The workman took the initiative to organise an Employees' Co-operative Society for the workers of the Kerala Kaumudi. By sincere and hard work he was able to attract many of his colleagues to his union and the society as a result of which the workers became more assertive in getting their demands conceded. The management took it as a challenge and they considered the workman as an antagonist to be thrown out of employment. In 1974 the workman was elected to the State Executive Committee of the Confederation to which his union was affiliated. The discharge of the workman from service is an act of victimisation since the management felt that so long as he continued as an employee of the Kerala Kaumudi, the anti-labour attitude of the management would be effectively challenged. The findings of the enquiry officer were not based on any evidence. The enquiry officer has omitted to consider all the relevant circumstances before reaching his conclusions. Evidence which he ought to have considered were omitted to be considered. The witnesses examined on behalf of the management were not speaking the truth. The punishment imposed is shockingly disproportionate to the nature of the charges. The workman was not given a notice before discharging him from service. This is a violation of the standing orders. He was not informed that his past record would be taken into account while considering the punishment. The workman wants himself to be reinstated in service with the benefit of back wages.

4. The management filed a written statement denying the allegations made by the workman and raising the following contentions: In the month of October 1975, the workman sent a telegram to the Home Minister which reads as follows: "since complaining you and MD's meeting with Union Minister Management threatens Union Leaders framing baseless allegatons and charge-sheet misusing emergency against employees, especilly Union Leaders. Request your immediate interference to save us". Since the complaint was baseless, the management informed the workman that no disciplinary action had been taken against any employee as alleged and he was asked to offer his comments on the complaint to the Minister, but the workman did not give a reply. Making false and malicious statement against the company, constituted a serious misconduct within the scope of Clause 20 (1) 15 of the Standing Orders of the Company. The explanation of the workman was called. In his explanation, the workman, admitted having sent a telegram and justified his stand stating that the union has every reason to believe that the management was adopting vindictive, mala fide and motivated actions against some employees belonging to the union. Again he was asked to substantiate his allegations. Later he was informed that unless he submitted a statement substantiating his allegations, it would be taken for granted that he had no proof in support of the allegations. In his reply dated 15-1-1976 he assured that the allegation "can be proved at the appropriate time and forum if need be". On 23-10-1975, at about 5.30 p.m. the Circle Inspector from Emergency Department of Kerala Police met Sri S. R. Acharya, the Chief Accountant of the Company, in connection with the investigation on a written complaint purported to have been made out by Sri Acharya, himself as the Secretary of the Kerala Kaumudi Employees Union. Sri Regunathan (the workman) was the Secretary of the Union. He was asked to state as to how the Police happened to contact Sri Acharya. The workman asked for a copy of the written complaint and he was informed that since the document is in the custody of the Police, the management cannot get a copy. Subsequently the management informed Sri Regunathan that if his explanation was not given on or before 5th December 1975 it would be presumed that he has no explanation to offer. The time limit was further extended, but still the workman maintained the stand taken by him, that he would not offer his comments without getting a copy of the complaint. It is evident from the attitude taken by Sri Regunathan, that the mischief was done either by himself or by someone else acting on his behalf. On 21st January, 1976 the Chief Accountant had asked the workman about the differences in the balances of the agents with the control figure, the employee behaved in a discourteous and arrogant manner and told the Chief Accountant that he was incompetent to do the reconciliation job. It is not correct to say that ever since he entered the service of the company Sri Regunathan discharged his duties to the complete satisfaction of the management. He was found very indifferent and negligent in the discharge of his duties and had made certain manipulations in the advertisement register. For those acts, he was punished as per order dated 8-11-1973 and one increment was barred.

There were several instances of late attendance, absence from work without permission or leave, of taking excessive leave and he was given a memo of charges as per memo dated 19th November 1975. Sri Regunathan submitted his explanation. Since the explanation was found to be unsatisfactory, an enquiry was arranged and the same was conducted by an independent outsider, by name Sri R. Balakrishnan Nair, Advocate, Trivandrum. The enquiry officer found that Sri Regunathan was guilty of the charge of having made false and malicious statement against the company and also of late coming, careless and indifferent work and dereliction of duty. The management also found that Sri Regunathan was guilty of the charge of having sent a written complaint to the Police purporting to have been made by Sri S. R. Acharya, Chief Accountant of the Company. The charge of discourteous and arrogant behaviour towards Sri Acharya was also established. In view of the above finding, it was decided to discharge Sri Regunathan from service of the company. The management denied the allegations made in the claim statement regarding the behaviour of the company towards its employees. The management had no desire to drive out the employee from the company. The Company was not irritated by the Trade Union activities of the employees. It is not correct to say that a second opportunity should be given to show cause against the proposed punishment before punishment is inflicted. The workman is not entitled to any relief.

5. The workman filed a replication reiterating his contentions.

6. As per preliminary order dated 23rd January, 1982, my learned predecessor found that the punishment was imposed by the management for the misconduct which the workman was found guilty of by the enquiry officer and that the findings of the enquiry officer on the basis of which the punishment was imposed are sustainable. The preliminary order dated 23rd January 1982 shall be appended to this award.

7. The sole point for consideration is regarding the propriety of the punishment inflicted on the workman. It was argued on behalf of the workman that after the introduction of Section 11-A in the Industrial Disputes Act the Labour Court is competent to go into the question of punishment and alter the punishment if found necessary. The learned counsel for the workman has relied on the decision reported in 1979 Labour and Industrial Cases (L. I. C.) Page 1141 in support of his said contentions. The Andhra Pradesh High Court observed as follows: "It is now well settled that merely because the Tribunal is of the view that the charges are proved, it is not bound to uphold the order of dismissal or removal from service. It is open to the Tribunal even to direct reinstatement. We, therefore, do not see any merit in the contention of the Management that the Tribunal having found the charges proved, ought to have upheld the order of removal from service. Equally, we are unable to accept the petitioner's contention that if the removal from service was found to be bad by the Labour Court, it ought to have necessarily directed reinstatement. That is a matter falling within the discretion of the Labour Court and we

are unable to hold that, that discretion has been so improperly exercised as to call for interference in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution". The next decision relied on is 1979 Lab. I. C. Page 1279. In that case the Labour Court had ordered reinstatement of the workman and the management had contended before their Lordships of the Calcutta High Court that the Court should have considered whether compensation should be awarded in lieu of reinstatement. The High Court observed as follows: "The same contention was made before the Learned Judge. The Learned Judge, after considering certain authorities on the point, overruled the same. It is contended that the employer having lost confidence in the Respondent No. 4 he should (sic) be reinstated. Such abroad proposition is difficult to be accepted. There may be some special circumstances where it would be inexpedient to reinstate the workman, namely, where such reinstatement would be hazardous or prejudicial to the interest of the industry on the ground of security, where a workman is entrusted with an office of trust and confidence and where there is evidence that there is a reasonable possibility of recurrence of trouble". In the case reported in 1978 Lab. I. C. Page 1143 the Andhra Pradesh High Court held that when the Labour court finds the employee guilty of misconduct but finds that the order of removal is unjustified the Labour Court is not bound to impose a punishment specified in the regulations or standing orders of the management. The court observed "The Tribunal is at perfect liberty to impose such reasonable and rational punishment as it thinks necessary and appropriate under the circumstances of a particular case. In imposing punishments while the powers of the managements are regulated by the Rules and Standing Order of the Managements, the industrial adjudicative authorities are not controlled by any such Rules or Standing Orders. The adjudicative authorities impose punishments by reference to the paramount consideration of industrial peace, which is the essence of industrial adjudication. A direction withholding the payment of back wages either, fully or partly has since long been recognised as a punishment in industrial adjudications. Though the Corporation's Conduct Regulations do not provide for the with holding of back wages as one of the penalties which can be awarded by the management to the employee, it is open to the Labour Court to impose such a penalty in appropriate cases. We are therefore clearly of the view that the Award of an Industrial Tribunal directing reinstatement of an employee without back wages and without any other kind of punishment specified in the Regulations of the management is not bad merely because the employ was found guilty of misconduct, if in the opinion of the Tribunal the misconduct is not so grave as to warrant the extreme penalty of discharge or dismissal. The term "lesser punishment" in the section cannot be restricted by reading words which are not contained in the section. The section does not state that the lesser punishment should be one which is provided in the Regulations or Standing Orders of the management. The provision takes in its sweep all punishments lesser than discharge or dismissal, whether provided for in the Regulations or Standing

Orders of the managements or not". In the decision reported in 1978 Lab. I. C. Page 1143 the law on the point was laid down by the Andhra Pradesh High Court as follows : "With great respect we are unable to agree with the decision in Rallis India Ltd., Madras V. K. Natarajan (1977) 1 Lab. L. J. 33 (1976 Lab. I. C. 1750) (kant). The terms of section 11-A are very wide. The Labour Court may give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal if it is satisfied that the order of discharge or dismissal was not justified. It is possible that the Labour Court may come to the conclusion that the enquiry was properly conducted but the order of dismissal was not justified. In other words the conclusion that the order of dismissal is not justified is not inconsistent with the conclusion that the enquiry was properly conducted".

8. It is clear from the decisions above referred to that eventhough this court has upheld the findings of the enquiry officer it has unfettered jurisdiction to award any punishment taking into account the gravity of the charge and other circumstances of the case. The learned counsel for the management argued for the position, that reinstatement of the workman would be hazarduous or prejudical to the interest of the industry and the case would come within the exceptions mentioned in the 1979 Lab. I. C. 1279. He has also relied on a decision of the Mysore High Court reported in 1970 (II) L. L. J. Page 617. That was a case where the employee in his capacity as General Secretary of the Employees' Association had issued a pamphlet containing serious allegation against the management purporting to be on behalf of the Association. The management proceeded against the employee, held a domestic enquiry and dismissed him from service. The dismissal was upheld by the Industrial Tribunal holding that the making of false statement against the management amounts to misconduct. The decision of the Industrial Tribunal was challenged before the High Court and a single Judge of the High Court agreed with the Industrial Tribunal and held that the making of a false statement against the management would be subversive of discipline and could amount to misconduct. In support of his contention that making of such statement would not amount to an act subversive of discipline and cannot be regarded as misconduct, the learned counsel for the workman relied on a decision of the Supreme Court reported in A. I. R. 1957 Supreme Court Page. 7.. After referring to the facts of the Supreme Court case their Lordship of the Division Bench observed as follows : "Though the Supreme Court has stated in the above passage that the gravamen of the charge was whether the respondent gave vent to such expressions as were quite false and defamatory, the Supreme Court has no where stated in its judgmen that making false and defamatory statements would not amount to an act subversive of discipline and would not amount to misconduct. Thus, no part of the said decision of the Supreme Court is of any assistance to Mr. Ullal.

On the other hand, the observations of the Supreme Court that an employee does not cease to be so, merely because he happens to be the office bearer of the union of the workmen and that he is as much amenable to the discipline as any other employee, are against petitioners". Ultimately the Court held that the publication of the pamphlet was an act subversive of discipline and amounted to misconduct.

9. The findings of the enquiry officer that the employee had sent a telegram containing false and malicious statements against the management has been upheld by my learned predecessor. It has been stated in the telegram that the management is threatening union leaders, that they are framing baseless allegations and charge-sheets misusing the emergency against the employees especially the union leaders. It is clear from the decision of the Mysore High Court reported in 1970 (2) L. L. J. 617 that making of false and defamatory statements amount to acts subversive of discipline and would amount to misconduct.

10. The further question for consideration is whether a punishment other than dismissal or removal from service would be sufficient. The employee has a case that he had sent the telegram in his capacity as office bearer of the union and not in his individual capacity. A similar contention was not accepted by the Mysore High Court in the 1970 (2) L. L. J. case. Therefore the fact that the employee had sent the telegram in his capacity as office bearer of the union cannot improve matters for him.

11. Sending the telegram in question is not the solitary act of misconduct committed by the employee. The enquiry officer had also found him guilty of carelessness and indifference in the execution of his work and of late attendance on several days. On previous occasions also the management had to impose minor punishments against the employee. I feel that this is not a fit case for using the discretion vested in the Labour Court under Section 11-A of the Industrial Disputes Act for reducing the punishment. In the circumstances, I hold, that the discharge of Shri B. Regunathan, Junior Clerk from Kerala Kaumudi Private Ltd., Trivandrum on the issue of misconduct is justifiable. The management is liable to pay the workman all legal benefits due to a retrenched employee.

12. In the result, I pass an award, upholding the discharge of Sri B. Regunathan, Junior Clerk on the issue of misconduct. The workman is entitled to all monetary benefits due to a retrenched employee. Parties shall bear their costs.

This award shall take effect on the expiry of 30 days from the date of its publication in the Government Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by him, corrected by me on this the 26th day of August, 1982.

T.V. Kunhahamed,

Presiding Officer.

APPENDIX

In the Labour Court, Quilon

Present:

SHRI M. RAGHAVAN B.SC., B.L.,

Presiding Officer

Dated this the 23rd day of January, 1982.

INDUSTRIAL DISPUTE No. 147/77.

Between :

The Managing Director, Kerala Kaumudi Private Ltd., Trivandrum.

And

Sri B. Regunathan, Junior Clerk (discharged), Kerala Kaumudi Daily, Trivandrum, Mayooram House, Keezharoor P. O., Neyyattinkara.

Representations :

Sri N. Krishnan Kutty, Advocate, Trivandrum.	For the *Management*
Sri R. Lekshmana Ayyar, Advocate, Trivandrum.	For the *Workman*

PRELIMINARY ORDER

This case arises out of the reference made by the Government of Kerala as per G. O. (Rt.) No. 1650/77/LBR dated 20-12-1977. The issue referred for adjudication is "whether the discharge of Sri B. Regunathan, Junior Clerk from Kerala Kaumudi Private Ltd., Trivandrum on the issue of misconduct justifiable? If not what is the legal remedy for the workman to be allowed in this context".

2. The workman filed a claim statement the contents of which are briefly as follows:— He entered service under the management as a Junior clerk in 1968 and has been discharging his duties to the complete satisfaction of the management. In 1969-70 he was elected as a member of the Executive Committee of the Trivandrum District Non-Journalist Association. As he found that the Association was only a mouth-piece of the management, he resigned from it and took initiative in forming the "Kerala Kaumudi Employees' Union" of which he was elected Secretary. In that capacity he had occasion to take up the cause of the workman on several issues thereby causing irritation to the management. He was also responsible for the constitution of a Co-operative Society of the employees of this management which used to advance loans on nominal interest to the members who in consequence

did not have to depend on the management anymore for financial help. The employees developed a sense of confidence and became more assertive than before in passing their just demands. He also because an office bearer of the Kerala Newspaper Employees' Federation. All these activities made the management develop an antagonistic attitude towards him. The disciplinary action taken against the workman was a deliberate and preplanned scheme to eliminate him.

3. As per three letters, a series of charges were levelled against him and Sri R. Balakrishnan Nair, Advocate, Trivandrum was appointed by the management to enquire into the charges. The enquiry officer found him guilty of some of the charges. The finding is not based on any evidence. It was arrived at without considering all the relevant circumstances and taking into account evidence which he ought not to have considered. The evidence adduced by the management was not true. The management chose an enquiry officer who would report in their favour. The punnishment imposed is shockingly disproportionate to the charges framed and this fact proves victimisation. He was not given previous notice that this past record would be taken into account in discharging him from service. He was not given a notice before discharging him from service. He is entitled to be reinstated with back wages.

4. The Management filed a counter statement raising the following contentions. In October 1975 the workman in question sent a telegram to the Hon'ble Home Minister as follows:—"Since complaining you and M.D's meeting with Union Minister Management threatens union leaders framing baseless allegations and chargesheet misusing emergency against employees especially union leaders. Request your immediate interference to save us". As the contents of the telegram were baseless, the workman was asked for his comments.. The latter did not respond. As the act of the workman in making false allegation against the management was a serious misconduct under clause 20 (1) (15) of the Standing Orders of the company the workman was called upon to submit his explanation. He submitted an explanation admitting having sent the telegram and justified the same stating that the union of which he was the Secretary had every reason to believe that the management was adopting vindictive, mala fide and motivated action against some employees of the union. When called upon to substantiate his allegations the workman took the stand that they could be proved the appropriate time and forum if need be.

5. On 23-10-1975 a Circle Inspector from the Emergency Department of Kerala Police seeking to enquire into a written complaint purporting to have been sent by Sri Acharya purporting himself as the Secretary of the Kerala Kasuandi Employees' Union. The complaint was stated to have been written in a paper with the letter head of the union. Sri Acharya was not a member of the union or its Secretary and the letter was not sent by him. The workman in question who was the Secretary of the Union was asked for his comments in the matter but the latter insisted on getting

a copy of the complaint. The request could not be complied with as the letter was with the police. Since the workman had no explanation to offer it had to be taken that the mischief was done either by him or at his instance.

6. On 21-1-1976 the workman behaved in a very rude and discourteous manner to Sri Acharya, Chief Accountant.

7. The workman had been found to be indifferent and negligent in the discharge of his duties on certain occasions and he had been duly punished. There were several instances of his late attendance unauthorised absence from duty and carelessness Charge memos in respect of the misconducts detailed above were communicated to him as per memos dated 10-10-1975, 5-11-1975, 19-11-1975 and 12-2-1976. As the explanations submitted by him were unsatisfactory, a domestic enquiry was got conducted by Sri R. Balakrishnan Nair, Advocate, Trivandrum. A list of witnesses to be examined for the management had been given to the workman in advance. The workman was represented by counsel at the enquiry. He did not produce any evidence on his behalf though ample opportunity was given to him. The enquiry officer found the workman guilty of making a false and malicious statement against the management and of late attendance, indifferent work and dereliction of duty The management, on a consideration of the evidence adduced at the enquiry found that the workman was guilty of the other two charges also Even the charges found proved by the enquiry officer justified the action taken.

8. The allegation of victimisation and other allegations against the management are untrue. Similarly the allegations against the enquiry officer are also baseless. There is no necessity in law to give a second notice to the workman before imposing the punishment. The workman is not entitled to any relief.

9. The workman filed a replication traversing the contentions raised by the management. Certain actions of the management against some employees are also set out as justification for the telegram sent by him to the Hon'ble Minister.

10. No oral evidence was adduced by either side. Exts. M1 and M2 and Exts. W1 to W3 were marked. The point for consideration at this stage is whether the enquiry was properly conducted and whether the finding against the workman are perverse or unsupported by evidence.

11. *The point.*—I will first dispose of a contention by the workman that the management found him guilty of two charges regarding which the enquiry officer had found him not guilty and that before doing so the management ought to have given him an opportunity to be heard. Ext. M2 the order passed against the workman by the management, no doubt contains observations to the effect that there was sufficient evidence before the enquiry officer to support these charges also and that the reasonings of the latter regarding these charges do not appear to be convincing. But the

order does not, specifically find the workman guilty of these charges also. On the other hand the order proceeds to state as follows:— "However the charges you are found guilty of by the Enquiry Officer are sufficient enough for awarding the maximum penalty". It is therefore clear that the punishment imposed was for the misconducts which the workman was found guilty of by the enquiry officer. This contention cannot therefore stand.

12. Another point raised is that the past record of the workman was used against him by the management in punishing him and that this could have been done only if notice of the same had been given to him. Ext. M19 the memo of charges issued to the workman on 19-11-1975 specifically refers to the past record of the workman setting out the details of the previous punishments imposed on him. This contention cannot also stand.

13. No irregularity other than that referred to above regarding the proceedings of the enquiry have been alleged by the workman. There is also no material in support of the allegations against the enquiry officer. I therefore find that the enquiry was properly conducted.

14 The next question is whether the findings are perverse or unsupported by evidence. As far as the first charge regarding the telegram is concerned the fact of the workman having sent the telegram is admitted. The 1st witness examined before the enquiry officer had deposed that the allegations contained in the telegram are baseless. There is no evidence contra. Even the workman did not examine himself. The enquiry officer therefore accepted the uncontraverted testimony. In doing so he has not acted perversely. Regarding the charge of irregularity, negligence etc. detailed evidence was led before the enquiry officer. Here also, there is no evidence contra. Hence the enquiry officer accepted the evidence for the management. It is pointed out that the enquiry officer has discussed the evidence cursorily, the mere fact that he has not set out the evidence in detail does not mean that his conclusion is perverse. I find that his finding is not perverse and that it is supported by evidence.

15. It follows from the above discussion, that the findings of the enquiry officer on the basis of which the punishment was imposed are sustainable. I uphold the same.

16. In view of the above conclusion, all that remains is to consider the question of punishment. The case will be posted for evidence and hearing on the question of punishment.

Declared in open court on 23-1-1982.

M. RAGHAVAN,
Presiding Officer.

Appendix

Exhibits marked on the side of the Management :

Ext. M1 Domestic enquiry proceedings including exhibits, findings etc.

Ext. M2 Office copy of the order dated 31-1-1977 discharging Sri B. Reghunathan.

Exhibits marked on the side of the Union :

Ext. W1 – Copy of letter No. KEV/15 dated 18-10-1972 from the Kerala Kaumudi Employees' Union to the Management.

Ext. W2 Copy of letter No. KEV/74 dated 28-7-1975 from the Kerala Kaumudi Employees' Union to the Management.

Ext. W3 Copy of letter dated 7-2-1977 from the Kerala Kaumudi Employees' Union to the Management.

Kerala Gazette No. 49 dated 14th December 1982

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1087/82/LBR. *Dated, Trivandrum, 5th October 1982.*

The award of the Labour Court, Quilon in respect of the dispute between the Management of the President, Coir Vyavasaya Co-operative Society Ltd., No. T. 612, Polachira, Kadakkavoor and the employee of the above establishment represented by Smt. Ambika Bai Amma, Kunnil Veedu, Nedumpacha, Kilimanoor P. O. received by Government on 30-9-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Quilon

Tuesday, the 14th day of September, 1982

Present:

SHRI T.V. KUNHAHAMED, B. A. B. L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 12/81

Between:

The President, Coir Vyavasaya Co-operative Society Ltd. No. T. 612, Polachira, Kadakkavoor

[By Advocate Sri G. Saseendran (Vakkom), Trivandrum]

And

Smt. Ambika Bai Amma, Kunnil Veedu, Nedumpacha, Kilimanoor P.O.

(By Advocate Sri M.G. Sudarman, Trivandrum)

AWARD

The dispute referred to this court for adjudication by the Government of Kerala as per G.O. (Rt.) No. 882/81/LBR dated 16-7-1981 relates to the termination of service of Smt. Ambika Bai Amma.

2. The parties entered appearance.

3. Smt. Ambika Bai Amma filed a statement raising the following contentions:—She was appointed as Paid Secretary on 1-9-1980 and she had furnished a cash security of Rs. 2,000 and a collateral security of Rs. 4,000. On 9th January, 1981 the President of the Society issued a notice containing imaginary allegations. On 13-1-1981 a reply was sent. On 16-1-1981 a notice terminating her services was issued. The reply was not considered by the management. There was no enquiry regarding the allegations.

4. The opposite party filed a written statement contending that the reference is not maintainable since a dispute is pending before the Registrar of Co-operative Societies, that the Secretary was on probation, that she was appointed by the previous committee and after the new committee took over also the Secretary continued all the irregularities including major dereliction of duties, that the Secretary failed to implement the decisions of the committee, that she did not maintain office records except minutes book and a notice book, that she did not implement the decisions of the committee, that she kept the office closed during office hours, that the Society could not start its business evenafter several months of appointment of a Paid Secretary, that the committee found that the Secretary was incapable and that her services were terminated for valid grounds.

5. Admittedly no enquiry was held by the management before passing the impugned order. Therefore the management has to adduce evidence in support of the allegations. The management and their advocate were absent on 23th of April, 13th of May, 29th of May, 10th of June, 23rd of June, and 4th of August, 1982. The worker was examined and Exts. W1 to W4 were marked.

6. Ext. W1 dated 16th August 1980 is the order of appointment. Ext. W2 dated 9-1-1981 is the memo of charges. Ext. W3 dated 13-1-1981 is the reply and Ext. W4 dated 16-1-1981 is the order of termination. The charges are:—

(1) Non-implementation of the decisions of the committee,

(2) Putting obstacles the performance of the functions of the Society,

(3) Late attendance and leaving office early,

(4) Not taking steps for purchase of husks and for immersing the same in water,

(5) Not taking steps for receiving the security deposit from K. Rajan who has been selected as Thondumoopan,

(6) Not taking steps for purchase of furniture and office equipments,

(7) Non-payment of sitting fee of the members of the committee. The Secretary had given her answers for all the charges. She has not admitted any one of the charges. Therefore it is for the management to adduce evidence and prove the misconduct. Since the management has failed to adduce any evidence, it has to be held, that the charges have not been proved.

7. The worker, who was examined as WW1 has stated, that she has secured employment under the Kilimanoor Land Mortgage Bank and she has been working there ever since 20th November 1981. Therefore the question of reinstating the worker does not arise. It is enough if a direction is given for payment of back wages till 20th November 1981.

8. In the result, I pass an award, directing the management to pay back wages to Smt. Ambika Bai Amma till 20th November 1981. The parties shall bear their costs.

This award shall take effect on the expiry of 30 days of its publication in the Kerala Government Gazette as enjoined in Section 17A (1) of the Industrial Disputes Act.

T. V. KUNHAHAMED, B.A.B.L.,
Presiding Officer.

Appendix

Witness examined on the side of the Worker:

WW1 Ambika Bai Amma.

Exhibits marked on the side of the Worker:

Ext. W1 Appointment order dated 16-8-1980.

Ext. W2 Show cause notice dated 9-1-1981.

Ext. W3 Explanation submitted by Smt. Ambika Bai Amma dated 13-1-1981.

Ext. W4 Termination notice dated 16-1-1981.

Kerala Gazette No. 49 dated 14th December 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1082/82/LBR. *Dated, Trivandrum, 5th October 1982.*

The award of the Industrial Tribunal, Alleppey in respect of the dispute between the Management of (1) The Director of Personnel, H. M. T. Ltd., Bangalore (2) The General Manager, H. M. T. Ltd., Kalamassery and (3) The Ghief Personnel & Industrial Relations Manager, H. M. T. Ltd., Kalamassery and their workmen represented by (1) The General Secretary, H. M. T. Employees' Union (CITU), Kalamassery (2) General Secretary, H.M.T. Workers' Gongress, INTUC (I), Kalamassery (3) The Genl. Secretary, H. M. T. Workers' Congress INTUC (U), Kalamassery (4) Genl. Secretary, H.M.T. Staff & Workers' Union (AITUG), Kalamassery (5) The Genl. Secretary, H.M.T. Staff & Workers' Association, Kalamassery (6) Genl. Secretary, H.M.T. Employees' Federation, Kalamassery and (7) The Genl. Secretary, H.M.T. Essential Employees' Union Kalamassery, received by Government on 16-8-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Gentral Act XIV of 1947).

By order of the Governor,

K. Sivadasan,

Deputy Secretary to Government.

In the Court of the Industrial Tribunal, Alleppey

Dated this tbe 21st day of July 1982

Present:

Shri K. KANAKAGHANDRAN, B. Sc., LL. B.,

Industrial Tribunal

INDUSTRIAL DISPUTE No. 14/81

Between

(1) The Director of Personnel, H. M. T. Ltd., Bangalore (2) The General Manager, H. M. T. Ltd., Kalamassery and (3) The Chief Personnel & Industrial Relations Manager, H. M. T. Ltd., Kalamassery.

And

The workmen of the above concern represented by (1) The General Secretary, H. M. T. Employees' Union (CITU), Kalamassery (2) The General Secretary, H. M. T. Workers' Gongress, INTUG (I), Kalamassery (3) The General Secretary, H. M. T. Workers' Gongress INTUG (U), Kalamassery (4) The General Secretary, H. M. T. Staff & Workers' Union (AITUG), Kalamassery (5) The Genl. Secretary, H. M. T. Staff & Workers' Association, Kalamassery (6) The General Secretary, H. M. T. Employees' Federation, Kalamassery and (7) The General Secretary, H. M. T. Essential Employees' Union, Kalamassery.

Representations:—

M/s. Josepb & Kuriyan, Advocates, Gochin.	.. For *Management*
M/s. Balachandran & M. Jayakumar, Advocates, Ernakulam	.. For *Unions No. 1 and 4*
Sri M. Rajasekharan Nair, Advocate, Gochin.	.. For *Union No. 2*
M/s. K. Ravikumar & K. Radhakrishnan, Advocates, Gochin.	.. For *Union No. 5*

AWARD

This industrial dispute between the management of the Hindustan Machine Tools and the workmen therein was referred to this Tribunal for adjudication by G. O. (Rt) No. 1328/81/LBR dated 22-10-1981 of the Government of Kerala. The issue referred was the eligibility of the workers of the HMT unit at Kalamassery for wages for the period from 30-5-1977 to 22-6-1977 (both days inclusive).

2. In response to notice from this Tribunal, only 4 unions appeared and 3 unions represented by the General Secretary, HMT Workers Gongress INTUG (U), Kalamassery, The General Secretary, HMT Employees Federation, Kalamassery and the General Secretary, HMT Essential Employees' Union, Kalamassery remained absent. In that circumstance, the above mentioned 3 unions were declared ex parte.

3. On 21-7-1982 a joint petition was filed duly signed by the General Manager, General Personnel Manager, Gontroller of Accounts of HMT representing the Management and 6 unions representing the workmen. It appears the third union viz., HMT Workers Congress INTUG (U) is not a signatory in the joint application.

4. It was stated in the joint petition that the issue referred was amicably settled out of court between parties on the following terms:—

> The workmen will be paid the wages for the period from 30-5-1977 to 22-6-1977 and the advance paid by the Management to the workmen in accordance witb Clause 16 of the Conciliation Settlement arrived at between the Management and the Unions before the Labour Commissioner, Trivandrum on 6th September 1977, shall be adjusted against the wages payable to the workmen for the period from 30-5-1977 to 22-6-1977. (both days inclusive)

5. In view of the above settlement, there is no Industrial Dispute Act now existing warranting adjudication by this Tribunal. In the above circumstance, this award is passed recording the terms of settlement, as extracted above, arrived at between the parties in the dispute.

K. KANAKACHANDRAN,
Industrial Tribunal.

Kerala Gazette No. 49 dated 14th December 1982.

PART 1

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1072/82/LBR. *Dated, Trivandrum,* 1*st October* 1982.

The award of the Labour Court, Ernakulam in respect of the dispute between Shri C. K. Kesavan, Mohana Soudham, Market Landing, Kottayam and his workmen represented by the Secretary, Kottayam District Motor and Mechanical Workers Union, Kottayam recieved by Government on 16-9-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Ernakulam

Dated this the 8th day of September, 1982

Present :

SHRI N. SUKUMARAN, B.SC., B.L.,

Presiding Officer

In

INDUSTRIAL DISPUTE No. 246 OF 1979
(OLD No. I. D. 67 OF 1978)

Between

Shri C. K. Kesavan, Mohana Soudham, Market Landing,
Kottayam

And

The workmen of the above establishment represented by the Secretary,
Kottayam District Motor and Mechanical Workers' Union
Kottayam.

Representations :—

Shri Zachariah Koshy,
Advocate, Kottayam. For *Management*

Shri Lazar Vadakkan,
Advocate, Kottayam. For *Union*

AWARD

Two issues are referred by Government for adjudication by G O (Rt) No. 9?3/78/L&H dated 27-5-197?. They are the following :—

"I. Denial of employment to Shri T. A. Govindan.

II. Payment of wages for the period of unemployment."

2. The Union in its claim statement complains that Shri Govindan employed as a Conductor in the G.T.S. Bus by the Management continuously from 1962 was denied employment without any reason in 1976 and claims reinstatement of the workman with all benefits There is an additional claim for arrears in wages to the tune of Rs. 4,210 till the denial of employment.

3. The contentions of the Management are the following :—

G.T S bus was a partnership and it was dissolved in 1970 Thereafter Shri C. K. Kesavan had only one bus registered as KLK 9037. It had no permanent permit and temporary permits used to be obtained occasionally for intervals of 90 days. Operation on the basis of such temporary permits was made by temporary workers including Shri Govindan. The workers were paid as and when they performed duty. That bus KLK 9037 was completely damaged in an accident that occured on 2?-9-1976. Thereafter there was no scope for employing anyone and Shri Govindan did not turn up for duty. Nothing by way of arrears of wages is due to him. There is no question of reinstating Shri Govindan as the Management has no bus in operation. All compensation due to the workmen from the partnership G.T S were paid as per the conciliation settlement held in the presence of the District Labour Officer, Kottayam on 31-10-1970. Shri Govindan is not entitled to any relief.

4. In the rejoinder the Union refutes the contentions of the Management. The allegation that Shri Govindan was paid compensation as per a conciliation settlement is denied. It is further asserted that the Management is still operating buses with other workmen.

5. The evidence consists of the testimony of MWs. 1 and 2 and Exts. M1 to M? for the Management and the testimony of WW1, WW2 and Exts. W1 to W3 for the Union.

6. It is common case that G T S. was a partnership concern of which Shri C. K. Kesavan was the Managing Partner. That partnership is seen to have been dissolved as per Ext. M2 dissolution deed dated 10- -1970 Under Ext. M? four buses were allotted to Shri C. K. Kesavan and his son Shri Mohan. They were bus Nos. 520? 4339. 7? 2 and 9037 (all K L K) That allotment appears in page 13 of Ext. M2. The contention of the Management that Shri C. K. Kesavan had only KLK 9037 after the date of the dissolution is disproved by Ext. M2. It shows that he had obtained four buses along with his son. There is also a contention that the workmen

were paid all their benefits till the date of the dissolution. At page 10 of Ext. M2 provision is made for payment of the benefits due to the workmen by the Partners in proportionate to their liability. Shri C.K. Kesavan as MW1 swears that the benefits due to the workmen allotted to him along with the buses were paid through the Union. He is corroborated on that aspect by MW2 who is an employee. Ext. M3 statement of accounts and Ext. M4 Bank pass-book are relied on to show that payments as detailed in Ext. M3 have been effected. But Exts. M3 and M4 relate to periods prior to the date of Ext. M2. It is conceded before me on behalf of the Union by the learned counsel appearing for it that the claims prior to the date of Ext. M2 are not pressed. So we are now concerned with the period subsequent to Ext. M2.

7. Ext. W1 is a conciliation settlement dated 24-7-1971. Inspite of the dissolution Ext. M2, Shri C. K. Kesavan is described in Ext. W1 as Partner, C.T.S. But there is no case that C T.S. was a bogus partnership and it continued to function as one entity inspite of Ext. M2. Ext. M2 shows that there were several partners belonging to different communities and the partnership therefore cannot be considered as a bogus one. It can be seen from Ext. M2 that all the buses were registered in the name of Shri C. K. Kesavan as the Managing partner and that steps had to be initiated for transferring the registration and permits of the buses allotted to the other partners. Probably the registration continued in the old trade name and that may be the reason for describing Shri C. K. Kesavan as a Partner in Ext. W1. Whatever it be in Ext. W1 Shri C. K. Kesavan had agreed to continue to employ 7 drivers and 11 conductors some of them on monthly rates and the others on reserve. Shri Govindan is shown as conductor under item No. 9 of Ext. W1 in the category monthly rated. I have already mentioned that Shri C. K. Kesavan was allotted four buses in Ext. M2. His contention that he had only one bus after Ext. M2 cannot in any event be true as he is seen to have agreed to entertain several drivers and conductors. As per the settlement Shri Govindan was entertained as a monthly rated Conductor on 24-7-1971. So the contention that he was employed only casually and therefore he is not a worker entitled to fixity of service cannot be accepted as true.

8. At the stage of evidence it is attempted to be shown that Shri C. K. Kesavan ceased to have any bus allotted to him under Ext. M2 with the destruction of KLK 9037 in the accident on 22-9-1976. It is admitted by Shri Govindan as WW1 and WW2, the General Secretary of the Union, that KLK 9037 was destroyed beyond redemption in an accident on 22-9-1976. It is also admitted that Shri Govindan was working as a conductor in that bus though not on the date of the actual accident. It was another Conductor's turn of the on duty on that day. MWs.1 and 2 state that KLKs 5202 and 4339 were old and unserviceable and therefore dismantled and sold as scrap Ext. W2 is a certificate issued by the Regional Transport Officer showing the details of the buses owned by Shri C. K. Kesavan. KLKs. 5202 and 4339 are not included there. So the case of MWs. 1 and 2 that these two buses were scrapped can be accepted as true especially because there is no serious challenge regarding

this claim. Regarding KLK 7352 the contention is that it had been given to the workers who were employed in it. The document relied on for that purpose is Ext. M1 to which WW2 is also a signatory. WW2 also was a conductor of Shri G. K. Kesavan. WW2 admits having signed Ext. M1. That is dated 24-11-1975. The document shows that the bus KLK 7352 was given to the workmen for consideration paid and to be paid after adjusting all the dues that were outsanding to them. What is stated by WW2 is that Ext. M1 terms were not implemented. It is alleged that the particular bus was given to a relation of Shri G. K. Kesavan under the guise of Ext M1. But such claims cannot be accepted as correct and true in view of the fact that WW2 who is the Joint Secretary of the Union, is also a signatory to the deed. It is true that KLK 7352 is also included in Ext. W2 as one of the vehicles owned by Shri Kesavan. Ext. W2 was issued in 1980. It may be that the registration was not transferred. Whatever it be Ext. M1 is prior to the date on which the alleged denial of employment to Shri Govindan took place. At that time KLK 7352 was given away to some others and so Shri Govindan cannot claim reinstatement in KLK 7352 as one of the buses operated by Shri Kesavan at the time of the alleged denial of employment. From what has been stated above it is evident that Shri Kesavan was not operating any of the buses allotted to him under Ext. M2 when he lost KLK 9037 in the accident.

9. It is the admitted case that Shri Kesavan had acquired another bus KLO 991. MWs.1 and 2 swear that that bus was sold to some others and later taken into custody for non-payment of the agreed consideration. Ext. W3, a recent proceedings of the Regional Transport Authority, Kottayam, shows that Shri Kesavan had been granted a temporary permit for a period of four months from 4-9-1981. There is no evidence to show that the permit had been extended. The fact that Shri Kesavan managed to get a temporary permit which is not valid now is no reason to say that Shri Govindan can now be entertained as an employee.

10. From the evidence available it is seen that Shri Kesavan was operating only KLK 9037 when the denial is alleged to have taken place. That bus was irredeemably lost in an accident. So there was no scope for continued employment to Shri Govindan in 1976. Hence it is not a case of a denial but a physically impossibility to provide employment. But the workman had not been paid his benefits for the past services after the date of Ext. M2. Due formalities were also not followed. But we have to consider the plight of the employer who had lost the solitary bus that he had at that time. In these state of affairs benefits for past services and a token compensation will meet the ends of justice.

11. Shri Govindan, according to his own evidence, was drawing Rs. 275.50 monthly when his services came to an end. He had put in five years and five months service after the date of Ext. M2 till 22-9-1976. He is entitled to gratuity at fifteen days wages per year for five years and an equal amount as retrenchment compensation plus one month's notice pay. He will also get three months wages as compensation for non-compliance of the formalities. Thus he is entitled to nine months wages which works out as follows :—

275.50 × 9 = Rs. 2,479.50.

12. o attempt has been made by the Union to pursue the claim for ar ears in wages till the date of the alleged denial. In other words there is no evidence in support of the claim that there is arrears in wages. Issue No. II is answered against the Union

13. In the result an award is passed directing the Management to pay Rs. 2,479.50 (Rupees two thousand, four hundred and seventy nine and paise fifty only) as benefits to Shri T. A Govindan. Shri Govindan is not entitled to any other reliefs.

(Camp) Trichur,
8-9-1982.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witnesses examined on the Management's side :

MW1 Shri C. K. Kesavan.
MW2 ,, V. M. Jacob.

Witnesses examined on the Union's side :

WW1 Shri T. A. Govindan.
WW2 ,, V. K. Rajappan.

Exhibits marked on the Management's side :

Ext. M1. A deed dated 24-11-1975 executed by Shri C. K. Kesavan and three others

,, M2. Partnership dissolution deed dated 10-4-1970 executed by Shri C. K. Kesavan and others.

,, M3 A stamped receipt executed by the Union for having received the gratuity etc., of certain workers, dated 23-12-1971.

,, M4 Pass-book of Shri C. K. Kesavan on the Kottayam District Co-operative Bank Ltd., Kattappana.

,, M5. Temporary permit of KLK 9037 dated 15-9-1976 for 19 days

,, M5(a).	Do.	2-7-1976.
,, M5(b).	Do.	10-8-1976 for 20 days.
,, M5(c).	Do.	30-8-1976 for 20 days.

Exhibits marked on the Union's side :

Ext. W1. Copy of a memorandum of settlement dated 24-7-1971.

,, W2. A letter dated 11-1-1980 from the R.T.O., Kottayam to Shri T. A. Govindan showing the ownership, operating routes etc., of certain vehicles.

,, W3. Certified copy of the proceedings of the R.T.A., Kottayam dated 4-9-1981.

Kerala Gazette No. 49 dated 14th December 1982
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1061/82/LBR. *Dated, Trivandrum, 30th September 1982.*

The award of the Labour Court Ernakulam in respect of the dispute between the Managing Director, Chackolas Spinning and Weaving Mills Limited, Kalamassery and their workmen represented by the General Secretary, Alwaye Textile Workers Union, (C. I. T. U.) Chackolas Committee, Kalamassery, Alwaye-4 received by Government on 22-9-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government

In the Labour Court, Ernakulam

Dated this the 17th day of September, 1982

Present :

SHRI N. SUKUMARAN, B. SC., B.L.,
Presiding Officer

INDUSTRIAL DISPUTE No. 93/1980.

Between :

The Managing Director, Chackolas Spinning and Weaving Mills Limited, Kalamassery

And

The workman of the above concern represented by the General Secretary, Alwaye Textile Workers Union, (CITU.) Chackolas Committee, Kalamassery, Alwaye-4.

Representations :—

M/s. Menon & Pai,
Advocates, Ernakulam. — For *Management*

M/s. K. Balachandran &
M. Jayakumar,
Advocates, Ernakulam. — For *Union*

AWARD

The issue referred for adjudication by Government as per G.O. (Rt.) No. 1316/80/LBR dated 16-9-1980 is "Dismissal of Shri K.P. Aboobacker". Eventhough the name of the workman shown in the reference is as "K. P. Aboobacker" it is admitted that the correct name is P. K. Aboobacker.

2. Shri Aboobacker was a Reed and Heald Cleaner in the drawing-in-section of the Management Concern's Mill. There were 11 other workers in that Section. All of them except one Shri Daniel struck work on 4-4-1979 without any previous notice. The Management placed Shri Aboobacker under suspension on the basis of that development and charge-sheeted him for an offence under Standing Order 31 (b) alleging that he struck work and in addition abetted the other workers to strike. Shri Aboobacker in his explanation flatly denied the allegation. Thereupon the Management ordered a domestic enquiry in which Shri Aboobacker participated throughout. The enquiry was conducted by an Advocate appointed for that purpose. Shri Aboobacker cross-examined all the five withesses at the enquiry. He states that he has no defence evidence. But he gave a statement which was recorded by the Enquiry Officer. The Enquiry Officer found Shri Aboobacker guilty of the charges and the dismissal followed on its basis.

3. The Union in its claim statement and the rejoinder while admitting that there was a strike on 4-4-1979 contends that the workers struck work for restoration of an illegal cut in their wages and that Shri Aboobacker did not instigate or abet the other workers to resort to the strike. According to the union the strike started at 7 a. m. on 4-4-1979 and Shri Aboobacker reported for work only at 7.05 a. m. on that day and he was actually prevented by the others from doing work and that is how he joined the strike. Victimisation is also attributed to the Management's action. Reinstatement with all benefits is claimed pleading that the findings of the Enquiry Officer are perverse.

4. The Management in its written statement asserts that the charges against Shri Aboobacker were well established in the domestic enquiry and that he deserves the punishment of dismissal. It is further alleged that the antecedents of Shri Aboobacker are not satisfactory and the Management had lost confidence in him and therefore his reinstatement cannot be permitted in any event. It is also stated that there were frequent strikes in various sections in 1979 adversely affecting the production and Shri Aboobacker who gave the lead for the strike along with the two other workers, viz., Cherian Thomas and Antony, was responsible for the same. Sarvasree Cherian Thomas and Antony, according to the Management, have subsequently left its services by way of resignations.

5. It was conceded before me that the Advocate Enquiry Officer conducted the enquiry properly giving all opportunities to the workman to defend himself and therefore the enquiry may be accepted as having been held in accordance with the principles of natural justice. On the above

concession the file relating to the enquiry was marked as Ext. M1 which contains the relevant papers including the findings of the Enquiry Officer. Arguments were heard on both sides and it was agreed that a composite award may straightaway be passed.

6. The complaint of the Union that the Management victimtsed Shri Aboobacker is raised on the basis that he alone was singled out for action when a group of workers resorted to strike. It is the admitted case that the strike lasted upto 12th, when it was unconditionally withdrawn. All workers excepting three including Shri Aboobacker have been reinstated. Cherian Thomas and Antony have resigned. The Management's case is that Cherian Thomas, Antony and Aboobacker instigated the other workers to strike the work. The Management's case that the strike was illegal is not disputed. The Management took action against Shri Aboobacker on the basis of the reports of the concerned Officers that he was instigating the other workers to strike work. In these circumstances it cannot be said that the action of the Management amounts to victimisation as disciplinary proceedings were initiated on the basis of an illegal strike wherein the report was that Shri Aboobacker was giving the lead.

7. Now we have to see as to how far the findings of the Enquiry Officer are acceptable on the basis of the available evidence at the enquiry.

8. Copy of the charge had been proved as Ext.M1 at the enquiry. The statement of allegations contained in para 1 of Ext.M1 is to the following effect :—

"നിങ്ങൾ, ഡ്രായിങ്ങ് ഇൻസെക്ഷനിലെ മററുതൊഴിലാളികളും ചേർന്ന് ഇന്ന് (4-4-1979) രാവിലെ 7 മണി മുതൽ യാതൊരു കാരണം കൂടാതെയും നോട്ടീസില്ലാതെയും ജോലി സ്ഥലത്ത് ഇരുന്ന് പണിമുടക്കിയിരിക്കുന്നതായും മററുള്ളവരെ പണിമുടക്കുവാൻ പ്രേരിപ്പിച്ചതായും റിപ്പോർട്ടു ലഭിച്ചിരിക്കുന്നു."

The Enquiry Officer had dealt with this charge by breaking it up into three separate heads as follows:–

(i) Participating in an illegal and unreasonable strike.
(ii) Inciting other workers to strike work.
(iii) Obstructing other workers from doing their work.

The Enquiry Officer found Shri Aboobacker guilty of all these three items. But I may say at the outset that there was no justification for treating item No. iii shown above as a misconduct against Shri Aboobacker as the charge did not include the same. So the finding of the Enquiry Officer that Shri Aboobacker is guilty of misconduct of obstructing the other workers from doing their work has to be vacated as the Management itself has no such case.

9. As already mentioned there was a strike. There is no contention for the Union that the strike was legal. Admittedly Shri Aboobacker participated in the strike. There is absolutely no evidence in support of the contention that he participated in it only because he was prevented by

others from working. On the other hand the evidence available is that he also participated in the strike without any sort of outside iefluence. The contention that he reported for duty only at 7.05 a. m. When the other workers were already on strike is not supported by any evidence. There is only the statement of Shri Aboobacker before the Enquiry Officer on this behalf. So the finding of the Enquiry Officer that Shri Aboobacker participated in the illegal strike is perfectly correct and acceptable on the available evidence.

10. The main and serious allegation against Shri Aboobacker is that he instigated the other workers to resort to strike. It is the admitted case that 11 out of the 12 workers of the particular section started strike with effect from 7 a. m. on 4-4-1979. There is no case for the Management that the strike started when the work was in progress and it resulted on the basis of the abetment or instigation of Shri Aboobacker. There is also no evidence to say that the other workers were willing to start work at 7 a. m. and they were persuaded not to do so by Shri Aboobacker. On the other hand the evidence that is let in is to the effect that Shri Aboobacker, Cherian Thomas and Antony were seen going round and instigating the other workers not to do work after 7 a. m. when the strike had already materialised. MW1 the Weaving Master, MW2 the Asst. Weaving Master, MW3 the Weaving Supervisor and MW5 Shri Daniel, the solitary worker who did not resort to strike, speak to the fact of instigation alleged against Shri Aboobacker. But MW5 has no case that he was persuaded to partake in the strike. Thre is also no case that any attempt was made to persuade the workers of any other sectians. It is in these state of affairs that the learned counsel appearing on behalf of the Union argued before me that the story of instigation cannot be accepted as true. But MWs1 to 3 and 5 have clearly stated that Sarvasree Aboobacker, Cherian Thomas and Antony were going round and instigating the workers to continue the strike. It may be that the lightning strike was pre-planned and started at 7 a. m. It is not ordinarily possible to lead direct evidence regarding the pre-planning. The subsequent conduct of the persons who participated in the strike will indicate the master mind behind it. Here the evidence is that Shri Aboobacker was persuading the other workers to continue the strike. That evidence is acceptable and it is sufficient to say that he had instigated the other workers to continue the strike. To that extent he can be found guilty even though it is not possible to say that the strike took place as instigated by him.

11. The learned counsel appearing on behalf of the Union had argued before me that the allegation that Shri Aboobacker was giving the leadership for the strike is a subsequent development as that fact was not mentioned in the reports marked as Exts. M3 and Ext. M3 (a) at the enquiry. Those are the reports submitted before the Management by MW1 at the enquiry. But Ext. M9 report of MW2 was also forwarded along with Exts. M3 and M3 (a) .In Ext. M9 special mention is made of the instigation and persuasion of Shri Aboobacker on the other workers to contiaue the strike. The absence of that part of the allegation in Exts.M3 and M3 (a) is not

material as MW1 was only forwarding Ext.M9 report. So the argument that the Management had introduced a new case at a later stage to add to the gravity of the misconduct is not acceptable. So it can be held that Shri Aboobacker participated in an illegal strike and persuaded other workers to continue to participate in the strike. The findings of the Enquiry Officer to this effect can be accepted as warranted by the evidence. The remaining findings of the Enquiry Officer are not warranted by the evidence and is therefore hereby vacated.

12. Now remains the question as to whether Shri Aboobacker is entitled to any reliefs in the matter of punishment invoking the discretion vested in me as per Seo.11-A of the Industrial Disputes Act. The other workers who participatad in the strike have been reinstated (except Cherian and Antony who have left the services). So no punishment is called for the participation in the strike. Instigating the workers to continue an illegal strike is something more serious for which some punishment is justifiable. But the extreme penalty of dismissal in the ordinary course for such a misconduct is too harsh. There is no evidence in support of the Management's contention that the antecedents of Shri Aboobacker are bad. Shri Aboobacker was not holding any responsible position where the Management has to repose much of a confidence in him. He was only a Cleaner and so the argument that he cannot be reinstated for the reason that the Management cannot safely rely on him is not acceptable. As a Cleaner he is working under the direct supervision of his superiors and he cannot normally do much harm to the interests of the Management without being noticed. In these state of affairs Shri Aboobacker can be reinstated without benefits of back wages but with continuity of service. He will not be entitled to any reliefs regarding the broken period except for the purpose of qualifying service for gratuity and retirement benefits. In the result an award is passed directing reinstatement of Shri Aboobacker on the terms specified above.

Ernakulam,
17-9-1982

N. Sukumaran,
Presiding Officer.

Appendix

Exhibit marked on the Management's side :

Ext. M1. The file containing the relevant papers of the domestic enquiry.

G. A. 176/V.

Kerala Gazette No. 49 dated 14th December 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1336|82|LBR. *Dated, Trivandrum, 8th December* 1982.

The award of the Labour Court Ernakulam in respect of the dispute between the Regional Manager, M|s. Tata-Finlay Limited, Regional Office, Munnar and the workman of the above concern represented by the Secretary, Estates staffs' Union of South India, Munnar received by Government on 6-12-1982 is hereby published under section 17 of the Industrial Disputs Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

K. SIVADASAN,

Deputy Secretary to Government.

IN THE LABOUR COURT, ERNAKULAM

Present.

SHRI N. SUKUMARAN, B.SC., B.L.,

Presiding Officer

(Tuesday, the 30th day of November, 1982)

INDUSTRIAL DISPUTE No. 4 OF 1981

Between

The Regional Manager, M|s. Tata-Finlay Limited, Regional Office, Munnar

And

The workman of the above concern represented by the Secretary, Estates Staffs' Union of South India, Munnar

And

INDUSTRIAL DISPUTE No. 51 OF 1981

Between

The Regional Manager, M|s. Tata-Finlay Limited, Regional Office, Munnar

And

The workmen of the above concern represented by the Secretary, Estate Staffs' Union of South India, Munnar.

Representations:—

M/s. Menon & Pal, Advocates, Ernakulam — For *Management*.

Shri M. Ramachandran, Advocate, Ernakulam — For *Union*.

AWARD

These two connected cases were jointly tried as agreed by the parties and evidence adduced in I. D. 4/81. Therefore I am disposing them of by this common award.

2. Shri Mohan Kumar was working as a 1st Assistant Conductor in Vagavurrai Estate belonging to the Management Company. While so the Management issued orders transferring him to Pannimade Estate with effect from 1-4-1980. Vagavurrai is in Kerala and Pannimade in Tamilnad. Shri Mohan Kumar did not obey the transfer order. Instead he challenged the validity of that order through his Union which in turn raised an industrial dispute. The Management initiated disciplinary proceedings for disobedience of the transfer order. A charge-sheet was framed and a domestic enquiry ordered. Shri Mohan Kumar did not participate in the domestic enquiry even though he had notice of it. The Enquiry Officer found Shri Mohan Kumar guilty of the charge and accepting the same the Management dismissed him. The validity of the transfer referred for adjudication by Government as per G. O. (Rt.) No. 23/81/LBR dated 3-1-1981 is the subject matter in I. D. 4/81 and the correctness of the dismissal is what is involved in I. D. 51/81 referred by Government as per G. O. (Rt.) No. 661/81/LBR dated 21-5-1981.

3. It is common case that the transfer order communicated to Shri Mohan Kumar was not obeyed by him. So the charge which culminated in his dismissal is admitted. There is no serious attack against the validity of the domestic enquiry held by an Advocate who was appointed to conduct it. Ext. M21 is the file relating to that domestic enquiry. It was conceded that it is unnecessary to pass a preliminary order regarding the validity of the domestic enquiry and that a composite award can be passed on the basis of a decision regarding the correctness or otherwise of the order of transfer.

4. The main controversy is as to whether there was a valid and binding order of transfer. According to the Union Shri Mohan Kumar while working in Vagavurrai Estate had requested the Management for a transfer to some other Estate nearer to Munnar and the Management had promised him to consider his request in due course. (Vagavurrai Estate is admittedly about 25 kilometres away from Munnar). But the Manager of Vagavurrai Estate had some sort of grudge against Shri Mohan Kumar and so at his instance the transfer to Pannimade about 100 miles away from Munnar was ordered only to victimise the workman. It was not the practice for this Management

to effect Inter-State transfers except with the consent of the concerned employee or at the time of promotions. There was also an understanding with the Union that inter-State transfers will not be effected as a matter of course. The transfer of Shri Mohan Kumar in violation of the normal practice and the understanding is malafide and therefore unsustainable. Shri Mohan Kumar was not bound to honour such an order of transfer and the transfer is liable to be cancelled. The disciplinary proceedings on the basis of disobedience of that transfer order and the dismissal that followed are also not legal and valid. The dismissal also has to be set aside and the employee reinstated with all benefits ignoring the transfer and the dismissal.

5. The Management in its written statement contends that it is an express condition of the terms of service under which Shri Mohan Kumar was employed that he is liable to be transferred in any of the Estates of the Management in South India and that there was no practice or understanding not to effect inter-State transfers without the consent of the concerned employee. It is admitted that Shri Mohan Kumar had applied for a transfer to some Estate nearer to Munnar and that the Management had entertained that application. But there was no promise to give him a transfer to a place nearer to Munnar. The Management has several estates situated in the Munnar area of Kerala and the Anamallai area of Tamil Nadu State. In the exigencies of service inter-State transfers were effected. The transfer of Shri Mohan Kumar was also ordered in all bonafides for administrative convenience. The allegation that the Vagavurrai Manager was ill-disposed to Shri Mohan Kumar and therefore he was transferred with intend to victimise him are all false. The validity of a transfer effected by the Management cannot be challenged by the workman or the Union by way of an industrial dispute. At any rate the order of transfer is sustainable and there are no reasons to interfere with it. The disobedience of the order is a grave offence for which the punishment of dimissal inflicted is proper and so the punishments is also to be upheld. Shri Mohan Kumar is not liable to be reinstated with or without back wages.

6. An argument is advanced on behalf of the Union that the Management has no inherent power to transfer its employee as per the terms and conditions of service. But this argument cannot stand in view of the specific provision in Ext. M25 terms and conditions under which Shri Mohan Kumar was employed. Ext. M25 is dated 12-10-1971. He was employed as a Field Probationer as per that order for a period of one year. Clause 2 of the order states that he will be absorbed on satisfactory completion of probation as a regular staff subject to various conditions, No. 5 of which reads as "You are liable to be transferred to any of the Estates belonging to the above Companies in South India." In view of the express provision in Ext. M25 the argument that the Management has no power of transfer is not tenable.

7. Yet another argument is that Inter-State transfers are not permissible without the consent of the concerned employee if the transfer is not simultaneously with a promotion. Shri Mohan Kumar's transfer was not simultaneously with a promotion. So we need only see whether it was necessary

to have the consent of the employee to have an inter-State transfer. Shri Mohan Kumar had given evidence as WW 1. WW2 is the General Secretary of the Estates Staff Union of South India and WW3 the Secretary of the Munnar Branch of that Union. WW4 is an ex-employee of this Management. He was working as the Conductor in Vagavurrai Estate from where he has resigned to take up another employment. He was the immediate superior of Shri Mohan Kumar. All these witnesses have given evidence that inter-State transfers were not ordered by the Management as a routine course without the consent of the concerned employee. But the Management's witnesses dispute this claim. Three witnesses are examined for the Management of whom MW1 is the Manager of the Vagavurrai Estate. MW2 was the previous Industrial Relations Manager of the Management Company whom MW3 had succeeded on 1-11-1980. Ext. M26 is an extract of the inter-State transfers effected by the Management from 1976 to 1982. The correctness of the same is sworn to by MW3. There is no serious dispute regarding the details shown in Ext. M26. Ext. M26 shows that a large number of inter-State transfers of members of the staff had been effected from 1976 to 1982. The Union has no case that the transfers mentioned therein were made with the consent of the concerned employees or the Union or simultaneously with their promotions. There is nothing on record to show that there was some settlement or understanding not to have inter-State transfers in the routine course. The Management is a Company which is seen to have taken pains to include inter-State transfers as a condition of service in the appointment order itself. If it had agreed to restrict that right by way of settlements or understandings then naturally there would have been some records to evidence such a concession. Such records are significantly absent. In the light of the documents available the evidence of the Management's witensses that inter-State transfers were ordered in accordance with the conditions of service for administrative reasons has to be accepted in preference to the claims to the contrary advanced by the witnesses for the Union.

8. Now the position is that the Management has a right to order inter-State transfers for administrative reasons. It is well settled that the courts cannot interfere with such transfers if they are not tainted with malafides. Here in this case the Union's case is that the transfer is malafide for the reason that it was made with an idea to victimise the workman. We have now to examine how far this case of the Union is acceptable.

9. Some more admitted facts are to be mentioned in order to appreciate the rival contentions. Shri Mohan Kumar appointed as a Probationer as per Ext. M25 was absorbed as a regular staff on completion of probation of one year. He was then absorbed in the category of Second Assistant Conductor in the Nettikudi Estate which is 7 kilometres away from Munnar. He was transferred from Nettikudi Estate to Vagavurral Estate as a Second Assistant Conductor on 16-4-1976. He was promoted as a First Assistant Conductor and allowed to continue in the same Estate with effect from 1-8-1978 as per Ext. M4 order dated 7-8-1978. The promotion order was issued by the Industrial

Relations Department of the Management Company. But before that promotion S|sree Sovith Kumar and K. Rajendra Nath who were juniors to Shri Mohan Kumar in the cadre of Second Assistant Conductor were promoted overlooking the seniority of Shri Mohan Kumar.

10. The Union has a case that the Management had purposely overlooked the legitmate claims of Shri Mohan Kumar in the matter of promotion and that it gave him promotion subsequently on its (the Union's) interference and pressure and that is an added circumstance for the Management to victimise Shri Mohan Kumar. The Management's witnesses have given evidence that promotion is not strictly on the basis of seniority, but efficiency and suitability are more important factors and the juniors were given promotion earlier and Shri Mohan Kumar subsequently at the appropriate time on the basis of an impartial assessment of their performance. It may be true that the Union had interfered to bargain for the promotion of Shri Mohan Kumar. But it is seen that Shri Mohan Kumar's seniority was not restored even though he was given promotion at a subsequent stage. That matter was settled and there was no dispute concerning the supersession. So the fact that his promotion was delayed is not a circumstance that could be considered as a motive for the Management to victimise him at a subsequent stage. It is also important to notice in this connection that promotions and transfers are ordered and effected in the Regional Office and the workman as WW1 had admitted that the Industrial Relations Manager has no sort of ill-will or grudge towards him. The motive to victimise the workman is attributed only to MW1, the Manager of the Vagavurrai Estate. It is stated by all the witnesses examined in the case that staff members promoted are posted in the Estates only with the approval of the Manager of the concerned Estate that is to absorb him on promotion. It is further admitted that promotions are ordered on the basis of the recommendations of the Manager of the Estate where the staff member is serving. Shri Mohan Kumar naturally must have been promoted on the recommendations of MW1. It is very important to notice that MW1 had accommodated Shri Mohan Kumar in his Estate on his promotion. So it cannot be said that MW1 had any ill-will towards Shri Mohan Kumar when he was promoted and allowed to continue in Vagavurrai Estate in August 1978.

11. Shri Mohan Kumar had applied for a transfer to some Estate nearer to Munnar as early as on 24-1-1978 as per Ext. M3 application presented to the Manager of the Vagavurrai Estate. This application was forwarded by MW1 to the Industrial Relations Department with favourable recommendations as per Ext. M2 forwarding letter, copy of which is Ext. M2 (a). Ext. W1 is a communication issued by the Industrial Relations Department concerning the request of Sri Mohan Kumar for transfer to an estate near Munnar. The reference made therein is not to Exts. M2 and M3. However the subject matter is the same. What is stated in Ext. W1 is that it was not possible to give him a transfer to Munnar at that time. It was however stated that his name had also been included in the transfer list for consideration when suitable vacancy arises in future. Ext. M27 is an extract containing the list of persons who had

requested for transfers to Estates near Munnar. That is a long list and only a few have been granted in the interval 1976 to 1982. It is stated by all the witnesses examined that most members of the staff are eager to get posted near Estate round about Munnar as the Munnar is the only township in this plantation area. It goes without saying that it is not possible to grant all the requests for transfers to Estates near about Munnar when large number of staff members stake their claim for a limited number of available posts. So the fact that Shri Mohan Kumar was not transferred to any of the Estates near about Munnar till his transfer to Pannimade was ordered cannot be treated as a circumstance to say that the Management wanted to victimise Shri Mohan Kumar.

12. The union has a specific case that MW1 had a special reason to victimise Shri Mohan Kumar. That is that he refused to oblige MW1 to spy over the activities of the conductor WW4. WW4 is examined to say that himself and the Manager were at loggerheads and the Manager had asked Shri Mohan Kumar to report about his activities. Shri Mohan Kumar as WW1 also swears to this case. But it is the admitted case that Shri Mohan Kumar and WW4 belonged to the same union of which WW4 was an Executive Committee Member. When that is the position it is highly improbable for the Manager to have asked Shri Mohan Kumar to spy over the activities of WW4 and to report back to him. When that is the position the denial of such an allegation by MW1 has to be accepted in preference to the case spoken to by WW1 and WW4. So the case that MW1 had a special motive to act against the interest of Shri Mohan Kumar cannot be accepted.

13. It is in evidence that the relations between MW1, the Manager and Shri Mohan Kumar was not very cordial as we come to October 1979. On 24th October 1979 Shri Mohan Kumar wrote Ext. M12 letter to his Manager which reads as follows:—

"Dear Sir,

I wish to invite your attention to the following and necessary action.

Due to certain family problems, I requested for a transfer somewhere nearby to Munnar, three years back since. Even after repeated representations this was not considered. In the meantime, you, yourself had told me, you have no confidence in me, even though work wise you are satisfied with me. Under the circumstances I am also not happy to continue in this estate.

Hence, I shall be much obliged, if you will kindly arrange for a transfer for me, to some other estate, preferably nearby to Munnar.

Thanking you,

Yours faithfully,

(Sd.)"

The Manager's reply to that letter is Ext. M13 which I shall extract in full.

"Dear Sir,

Reference your letter dated 24-10-1979. I am aware that you had asked me for a transfer to an estate nearby Munnar which was referred by me to the Industrial Relations Department from time to time. In this connection I recall a letter received by you from the I.R. Department in reply to your request also.

As regards to the reference to work. I confirm having told you that though I was satisfied with your work till last year, I was not satisfied with your performance this year to which you have also agreed stating one reason or other.

I agree that I had mentioned to you that you do not give me the impression that I could repose confidence on you and had advised you in this connection. I also recall our discussion regarding certain trading activities I had heard of, within the premises of the Estate, which you stated that the business was conducted by your father. I had then advised you not to get involved with the workers of the division whom you are expected to administer. These above advices were given to you only in your interest.

However I would further take up your transfer with my Principals.

Yours faithfully,

(Sd.)

Manager."

Over and above Ext. M12 Shri Mohan Kumar directly made a representation before the Industrial Relations Manager as per the original of Ext. W6 letter dated 9-11-1979 stating that he cannot continue in the Vagavurral Estate under MW1 and that he has to be transferred to some other Estate preferably near Munnar. There were certain other developments before such a situation was reached.

14. Shri Mohan Kumar was availing leave very often from the beginning of May 1979 and he had exhausted his annual leave and casual leave when he applied for two days leave from 14-5-1979. The Manager sent him Ext. M6 letter concerning his request for extension of leave stating that 1½ days leave sanctioned is on loss of pay. In July Shri Mohan Kumar again applied for two days special religious holidays. This request was replied to in Ext. M7 letter dated 12-7-1979 stating that religious holidays can be allowed only on religious occasions. However as a special case two days leave was granted against religious leave to his credit. On 2-8-1979 Shri Mohan Kumar again submitted an application for ten days leave on loss of pay with effect from

the 9th onwards. That leave was also granted and on its expiry he applied for extension of the leave by ten days and that application is Ext. M9. Ext. M9 was replied to by a telegram, copy of which is Ext. M10, stating that extension cannot be granted due to exigencies of work and that Mohan Kumar has to report for duty immediately. A copy of that communication was also sent to Shri Mohan Kumar per bearer. Shri Mohan Kumar thereafter reported for duty on 3-9-1979 when he was asked to contact the Manager. The Manager directed him to the Industrial Relations Manager in the Regional Office with Ext. M11 letter. Shri Mohan Kumar contacted the Industrial Relations Manager on the same day and had a discussion on the basis of which Ext. M1 proceedings were passed and served on Shri Mohan Kumar. That reads as follows:—

"13th September, 1979.

Mr. V. Mohana Kumar,
First Assistant Conductor,
Vagavurrai Estate at Munnar.

Dear Sir,

We refer to your letter dated 3rd September 1979 and the discussion which you had with the subscriber at our office this morning.

As explained to you, you have behaved in a thoroughly unsatisfactory and unacceptable manner, and have left yourself open for disciplinary action. However, in the light of the apology tendered by you and the assurance of good behaviour, we are allowing you to resume duties with effect from tomorrow 14th September 1979 and have decided to drop disciplinary proceedings. You should appreciate that should there be a repetition of this offence or any other similar offence, the company will be left with no alternative but to take stringent disciplinary action against you.

You will not be entitled to wages for the period of your absence from 23-8-1979 to the 2nd September inclusive. For the period from the 3rd to the 13th September inclusive you will be paid only 50% of the wages. You will not be entitled to any overtime for this period.

Please acknowledge receipt of this letter.

Yours faithfully,
pro. TATA-FINLAY LIMITED
(Sd.)"

Even after Ext. M1 Shri Mohan Kumar was irregular in his attendance and was applying for leave even when he did not have leave to his credit. Communications showing this fact are also available as evidence in the case,

it was in those circumstances that finally the Management issued the impugned transfer order.

15. It is pertinent to note that the union or Shri Mohan Kumar has no case that the Industrial Relations Department had any motive against him. The motive is attributed only to MW1, the Manager. The correspondence and the communications referred to above indicate that the Manager did not want to deal with Shri Mohan Kumar himself and he referred his case to the Industrial Relations Department and the matter was settled by that Department by issuing Ext. M1 order. The validity of Ext. M1 was not challenged by Shri Mohan Kumar or the Union at any point of time. That says that he had apologised for the irregularities committed by him. So the position is that Shri Mohan Kumar was behaving in a manner on which he himself felt that an apology was necessary. All that is seen to have been dona by the Manager is to have referred his case to the Industrial Relations Department. So no bad motive can be attributed to the Manager. Yet Shri Mohan Kumar is seen to have complained thereafter to the Industrial Relations Department stating that he cannot work under MW1, the Manager. Even thereafter he was irregular in his attendance and was asking for leave which was not available to his credit. It was in those circumstances that the Management thought it fit to transfer him from that particular Estate. Of course tha transfer on request was to a far away place in a different State. Tha explanation offered by the Management's witnesses is that there was no other suitable place vacant and for administrative reasons another person had to be transferred from Pannimade. The action of the Management in the circumstances cannot be treated as one lacking bonafides or tainted with malafides. So the order of transfer was proper. This Court cannot, therefore, interfere with that transfer.

16. Admittedly Shri Mohan Kumar had disobeyed the order of transfer. The disobedience was treated as a misconduct for disciplinary proceedings. A domestic enquiry was ordered and he was given a chance to defend himself. But he wrote back to say that he is not prepared to participate in the domestic enquiry. So the Enquiry Officer was perfectly correct in proceeding with the enquiry in his absence. Ext. M24 fila shows that thera was ample evidence to come to the conclusion that he was guilty of the misconduct of disobedience of an order which I hava found is legal. So the findings of the Enquiry Officer are also correct.

17. The maximum penalty of dismissal had been awarded by the Management. According to tha Management disobedience of a lawful order is a serious crime and nothing short of dismissal is the adequata punishment. But we have to remember tha circumstances under which Shri Mohan Kumar did not obey the order of transfer. He was challenging the correctness of the transfer order by way of an industrial dispute. Probably he was under the bonafide impression that some settlement or decision favourable to him

will be the result in the industrial dispute. It is also significant to notice that Shri Mohan Kumar was all along trying for a transfer to a place nearer to Munnar when as a matter of fact ultimately the transfer came to a place further away. Probably he was upset and that may be the reason why he revolted. In these state of affairs I feel that this is a fit case where relief by way of reinstatement without benefit of back wages can be ordered if Shri Mohan Kumar is prepared to accept the transfer order and join duty at Pannimade. The broken period will not be counted for any purpose whatsoever. But the past services will be safeguarded. The service from the date of joining duty will be counted only as a continuation from 1-4-1980 the date on which the transfer was intended to take effect.

18. In the result an award is passed upholding the transfer of Shri Mohan Kumar as valid and directing the Management to reinstate Shri Mohan Kumar in terms indicated above provided Shri Mohan Kumar reports before the Industrial Relations Manager of the Management within thirty days from the date on which the award becomes enforceable and expresses his willingness in writing to join duty at Pannimade in terms of this award.

Ernakulam,
30-11-1982.

N. SUKUMARAN,
Presiding Officer.

APPENDIX

Witnesses examined on the Management's side:

MW1 Shri I. P. Prem
MW2 „ K. Seshan
MW3 „ M. Abraham Varghese

Witnesses examined on the Union's side:

WW1 Shri V. Mohan Kumar
WW2 „ K. Rajagopal
WW3 „ M. K. K. Nambiar
WW4 „ A. D. Edwin

Exhibits marked on the Management's side:

Ext. M1. Copy of a letter dated 13-9-1979 from the Management to Shri Mohan Kumar.

„ M2. A letter dated 25-1-1978 from the Manager of Vagavurrai Estate to the Regional Office of the Management Company.

„ M2 (a) Copy of Ext. M2.

Ext. M3. A representation dated 24-1-1978 from Shri Mohan Kumar for a transfer.

" M4. Promotion order dated 7-8-1978 issued to Shri Mohan Kumar.

" M5. A telegram dated 17-4-1979 from Shri Mohan Kumar for leave.

" M6. Copy of a letter dated 19-5-1979 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M7. Copy of a letter dated 12-7-1979 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M8. Leave application of Shri Mohan Kumar dated 8-8-1979.

" M9. Do. Do. 22-8-1979.

" M10. Copy of a telegram dated 23-8-1979 sent to Shri Mohan Kumar.

" M10 (a). Do. Do.

" M11. A letter dated 12-9-1979 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M12. A letter dated 24-10-1979 from Shri Mohan Kumar to the Manager, Vagavurrai Estate.

" M13. Copy of the reply of the Manager to Ext. M12 dated 12-11-1979.

" M14. Copy of a letter dated 13-10-1979 sanctioning one day's leave to Shri Mohan Kumar.

" M15. Copy of a letter dated 15-11-1979 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M16. Copy of a letter dated 16-11-1979 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M17. Copy of a letter dated 13-12-1979 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M18. Copy of the transfer order of Shri Mohan Kumar dated 6-3-1980, issued by the Management Company.

" M19. Copy of a letter dated 14-3-1980 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M20. Copy of the transfer order dated 11-3-1980 issued to Shri Mohan Kumar, by the Manager, Vagavurrai Estate.

" M21. Casual leave application of Shri Mohan Kumar dated 2-4-1980.

" M22. Copy of a letter dated 2-4-1980 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

" M23. Copy of dismissal order dated 22-8-1980 issued to Shri Mohan Kumar.

" M24. The file containing the papers of the enquiry held against Shri Mohan Kumar.

" M25. Appointment order dated 12-10-1971 issued to Shri V. Mohan Kumar.

Ext. M26. List of staff transfers between Kerala and Tamil Nadu Estates from January 1976 to June 1982.

„ M27. List of staff who requested for a transfer to an estate near Munnar from January 1976 to June 1982.

„ M28. Particulars for service record of Shri V. Mohan Kumar.

Exhibits marked on the Union's side:

Ext. W1. Copy of a letter dated 27-7-1976 from the Management Company to Shri Mohan Kumar.

„ W2. Copy of a communication dated 31-8-1979 from the Management Company to Shri Mohan Kumar asking his explanation for his absence without permission.

„ W3. Copy of a letter dated 3-9-1979 from Shri Mohan Kumar to the Manager, Vagavurrai Estate.

„ W4. Copy of an explanation letter of Shri Mohan Kumar dated 3-9-1979.

„ W5. Copy of a letter dated 12-9-1979 from the Manager, Vagavurrai Estate to Shri Mohan Kumar.

„ W6. Copy of a letter dated 9-11-1979 from Shri Mohan Kumar to the Management Company.

„ W7. Copy of a letter dated 9-11-1979 from Shri Mohan Kumar to the Secretary of the Union.

„ W8. Copy of the transfer order dated 11-3-1980 issued to Shri Mohan Kumar.

„ W9. Copy of show cause notice dated 5-4-1980 issued to Shri Mohan Kumar.

„ W10. Copy of the explanation of Shri Mohan Kumar dated 10-4-1980.

„ W11. Copy of the dismissal order dated 22-8-1980 issued to Shri Mohan Kumar.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1131/82/LBR. *Dated, Trivandrum, 18th October 1982.*

The award of the Industrial Tribunal, Calicut in respect of the dispute between the Management of The Kalpetta Estates Ltd., Chulika Estate, Meppadi and their workmen represented by the Secretary, Swathanthra Thottam Thozhilali Union, Meppadi (2) The Secretary, Kozhikode District Plantation Labour Congress, Meppadi (3) The Secretary, Malabar Estate Workers Union, Meppadi (4) The Secretary, Wynad Estate Labour Union, Meppadi (5) The Secretary, Kozhikode District Plantation Labour Union, Meppadi (6) The Secretary, Estate Staff Union of South India, Kottayam received by Government on 13-10-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

Before the Court of the Industrial Tribunal, Calicut

(Wednesday, the 15th day of September, Nineteen hundred and eighty two)

Present:

SHRI K. P. DEVADAS, B. A., B. L.,
Industrial Tribunal, Calicut

INDUSTRIAL DISPUTE No. 13/82

Between

The Kalpetta Estates Ltd., Chulika Estate, Meppadi

And

1. The Secretary, Swathanthra Thottam Thozhilali Union, Meppadi;
2. The Secretary, Kozhikode District Plantation Labour Congress, Meppadi;
3. The Secretary, Malabar Estate Workers Union, Meppadi;
4. The Secretary, Wynad Estate Labour Union, Meppadi;
5. The Secretary, Kozhikode District Plantation Labour Union, Meppadi;
6. The Secretary, Estate Staff Union of South India, Kottayam.

AWARD

The dispute regarding "Bonus for the year 1980-81" between the above parties was referred to this Tribunal for adjudication by Government of Kerala by Order G. O. Rt. No. 496/82/LBR dated 5-5-1982.

Registered notices were issued to the parties and the management and Unions Nos. 2 to 4 entered appearance. Thus at the first instance Unions Nos. 1, 5 and 6 remained ex-parte. At the second time, even after notice, Unions Nos. 2 to 4 remained absent and they were accordingly declared ex-parte.

In the circumstances of this case I find that the Unions are not interested in this case and the reference is answered accordingly.

Ordered accordingly.

K. P. DEVADAS,

Industrial Tribunal, Calicut.

Kerala Gazette No. 49 dated 14th December 1982.
PART I **Section iv**

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 18344/TC2/82/TF&P. *Dated, Trivandrum, 5th November* 1982.

S. R. O. No. 1508/82.—Whereas representation has been received by Government from the Stage Carriage Operator Shri Peter, Mourllious Motors, Padappakara, Kundara that the arrears of vehicle tax for the quarters ended on the 31st March, 1982 30th June, 1982 and 30th September, 1982 in respect of the Stage Carriage bearing Registration Number KLF. 1161 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted ;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 31st March, 1982, 30th June, 1982 and 30th September 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public ;

And whereas, the Government consider it necessary in public interest to require the stage carriage operator in respect of the said stage carriage to remit the arrears of vehicle tax for the quarter ended on the 31st March, 1982 and 30th June, 1982 immediately and to extend the time for payment of the vehicle tax for the quarter ended on the 30th September, 1982 ;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that out of the arrears of the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State tax for the quarter ended on the 31st March, 1982 and 30th June, 1982 shall be paid immediately and the tax for the quarter ended on the 30th September, 1982 shall be paid on or before the 31st August, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government.

G. 1630. [PTO.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended 31st March, 1982, 30th June, 1982 and 30th September, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as other wise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 49 dated 14th December 1982.
PART I **Section iv**

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 17546/TC2/82/TF & P. *Dated, Trivandram, 16th November,* 1982.

S.R.O. No. 1509/82.—Whereas representations have been received by Government from the Stage Carriage Operators specified in the Annexure to this notification, that the vehicle tax for the quarter ended on the 31st March, 1982 30th June, 1982 and 30th September 1982 in respect of the Stage Carriages particulars of which are specified in the said annexure could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of these vehicles may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operators of the said stage carriages could not remit the vehicle tax in respect of the said stage carriages ordinarily kept for use in the State for the quarter ended on the 31st March, 1982 30th June, 1982 and 30th September, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriages due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 31st March, 1982, 30th June, 1982 and 30th September, 1982 in respect of the said stage carriages;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 31st March, 1982, 30th June, 1982 and 30th September, 1982 in respect of the said stage carriages ordinarily kept for use in the State shall be paid on or before the 31st August, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

ANNEXURE

Sl. No.	Name of the Stage Carriage Operator	Registration No. of the Stage Carriage
(1)	(2)	(3)
1.	Smt. K. Sarojam, Omana Motor Service, Edappalli, Ernakulam.	KLF. 37
2.	Sri K. C. David, Kodi Veedu, Chirattappalam, Cochin-I, Ernakulam.	KRE. 3399
3.	Sri V. O. Thomas, Vazhappalli House, Palliport P. O.	KLM. 506
4.	Sri S. Gopinatha Menon, Sree Vilasath House, Kumbalam, Ernakulam.	KLF. 9529
5.	Sri I. G. Ittoop, Irampan House, Poovathussery, Trichur.	KLH. 6722

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification).

Government have received certain representations from the Stage Carriage Operators as shown in the annexure requesting extension of time for payment of vehicle tax for the quarter ended 31st March, 1982, 30th June, 1982 and 30th September 1982 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 18173/TC2/82/TF & P. *Dated, Trivandrum, 2nd November,* 1982.

S. R. O. No. 1510/82.—Whereas representation has been received by Government from the Stage Carriage Operators specified in the annexure to this notification, that the vehicle tax for the quarter ended on the 30th September, 1982 in respect of the stage carriages particulars of which are specified in the said annexure could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of these vehicles may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operators of the said stage carriages could not remit the vehicle tax in respect of the said stage carriages ordinarily kept for use in the State for the quarter ended on the 30th September, 1982, due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriages due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th September, 1982, in respect of the said stage carriages;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th September, 1982, in respect of the said stage carriages ordinarily kept for use in the State shall be paid on or before the 29th August, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated 29th September, 1975.

G. 1596.

ANNEXURE

Sl. No.	*Name of stage carriage operators*	*Registration No. of the stage carriages*
(1)	(2)	(3)
1	Shri T. Thomas Baby, Moly Motors, Trichur	KLR 9594
2	The Partner, National Produce Company, Chavara, Cannanore	KLC 5931
3	Smt. N. G. Radha, Cheroor, Trichur	KLH 5459, KLF 5584 KLF 3347
4	Sri T. Narayana Menon, Chakkothu, Trichur	KRF 3197, KLR 9491
5	Sri M. Vasudevan, Syama Transport, Cannanore	KLC 8985
6	Smt. P. V. Vijayalakshmi, Punjayil House, Puthiyatheru, Cannanore}	KLC 8909
7	Sri M. K. Abdul Khader, Mattool North, Cannanore	KLN 2829

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification);

Government have received certain representations from the stage carriage operators as shown in the annexure requesting extension of time for payment of vehicle tax for the quarter ended on the 30th September, 1982, due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

NOTIFICATION

G.O. Rt.No. 3671/82/LA&SWD. *Dated, Trivandrum, 20th November* 1982.

S.R.O.No. 1511/82.—In exercise of the powers conferred by subsection (2) of section 62 of the Kerala Panchayats Act, 1960 (32 of 1960), the Government of Kerala after consulting the Vengoor Panchayat, hereby exclude from the operation of the said Act, the public road specified in the Schedule below, which is vested in the said Panchayat.

SCHEDULE

1.	Name of District	.. Ernakulam
2.	Name of Taluk	.. Kunnathunad
3.	Name of Village	.. Vengoor East Village
4.	Name of Panchayat	.. Vengoor Panchayat
5.	Name of road	.. Kombanad-Paneily road
6.	Length of road	.. 5.2 km.
7.	Width of road	.. 8 Meter
8.	Places through which the road passes	.. Kombanad-Kranily-Paneily
9.	Points at which the road starts and ends.	.. Kombanad Junction to Paneily

By order of the Governor,
MARC, C. JOHN,
Deputy Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. Rt. 59/81/PW&E. dated 9-1-1981 Government have accorded sanction to transfer the Kombanad-Paneily road from the Vengoor Panchayat to the Public Works Department for the purpose of making improvements to the road with the concurrence of the Panchayat as required under the proviso to sub section (2) of section 62 of the Kerala Panchayats Act, 1960. This Notification is intended to exclude the above road from the operation of the provisions of the Kerala Panchayats Act.



GOVERNMENT OF KERALA

Health (D) Department

NOTIFICATION

G. O. (P) No. 275/82/HD. *Dated, Trivandrum, 18th November* 1982.

S.R.O. No. 1512/82.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby make the following rules further to amend the Special Rules for the Kerala Drugs Control Service issued under Notification G. O. (P) No. 298/77/GAD dated the 7th September, 1977 and published as S.R.O.No. 928/77 in Part I of the Kerala Gazette No. 41 dated the 11th October, 1977, namely:—

Rules

1. *Short title and commencement*:—(a) These Rules may be called the Special Rules for the Kerala Drugs Control Service (Amendment) Rules, 1982.

(b) They shall come into force at once.

2. *Amendments* :—In the Special Rules for the Kerala Drugs Control Service,—

(i) in rule 1, after category 3 and the entries against it, the following category and entry against it shall be inserted, namely:—

"Category 3 A—Law Officer";

(ii) in sub-rule (a) of rule 2, after category 3 in column (1) and the entries against it in column (2), the following category and entries against it shall be inserted, namely:—

(1)		(2)
3A	Law Officer	(1) Appointment by transfer from the category of Legal Assistant in the Drugs Control Subordinate Service; (2) In the absence of suitable candidates for transfer, by direct recruitment."

(iii) in rule 3, for the word and figure "Category 4" the word and figures "Category 3 A and 4" shall be substituted;

(iv) In the Table under rule 5, after category 3 in column (1) and the entries against it in column (2), the following category and entry against it shall be inserted, namely:—

(1)	(2)
"3A. Law Officer	35 years";

(v) in the Table under sub-rule (a) of rule 6, after category 3 in column (1) and the entries against it in columns (2) and (3) the following category and entries against it shall be inserted, namely :—

(1)	(2)	(3)
"3A. Law Officer	By transfer	Degree in Law of any recognised University.
	Direct recruitment	Graduation in Law with seven year's standing at the Bar":

By order of the Governor,
N. KRISHNAN NAIR,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G.O. Ms. No. 110/79/HD dated 16th June 1979 among other things, one post of Law Officer has been created in the Drugs Control Department. It is proposed to include the post in the Special Rules for the Kerala Drugs Control Service and to prescribe qualification, method of appointment, etc., to this post. The notification is intended to achieve this object.

To

The Drugs Controller, Trivandrum.
The Secretary, Kerala Public Service Commission, Trivandrum (with C.L.)
The Law Department.
The General Administration (S.C.) Department—vide decision No. 203 dated 10-11-1982 of the Council of Ministers.
The General Administration (Rules) Department.
The General Administration (Services) Department.
The Accountant General, Kerala Trivandrum.
The Advocate General, Ernakulam.



GOVERNMENT OF KERALA

Industries (Special) Department

NOTIFICATION

G. O. (P) No. 319/82/ID. *Dated, Trivandrum, 22nd November* 1982.

S. R. O. No. 1513/82.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Special Rules for the Kerala Industries Service issued in G O. (P) No. 458/Public (Rules) Department dated the 25th November, 1966, and published in Part I of the Kerala Gazette No. 48 dated the 6th December, 1966, namely:—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Special Rules for the Kerala Industries Service (Amendment) Rules, 1982.

(b) They shall be deemed to have come into force with effect on and from the 25th November, 1966.

2. *Amendments.*—In the Special Rules for the Kerala Industries Service, in the Annexure referred to in clause (b) of rule 3, in the entries under column (3) "Qualification",— (a) in item (1) under the heading "For promotion "against category 1, 'Deputy Director of Industries and Commerce/Project Officer', under clause II for the words "Chemical or Industrial", the words "Chemical, Industrial or Automobile" shall be substituted; (b) in item (-) under the heading "For promotion" against category 2. 'Deputy Director of Industries and Commerce (Technical)/Special Officer (Production)', under class II, for the words "Chemical or Industrial", the words "Chemical, Industrial or Automobile" shall be substituted.

By order of the Governor,

P. M. ABRAHAM,

Commissioner & Special Secretary to Government.

[P. T. O.]

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

In the Special Rules for Kerala Industries Service issued in G. O. (P) No. 458/Public (Rules) Department dated 25-11-1966, the Automobile Engineering qualification was not included for appointment by promotion to the posts of Assistant Director of Industries and Commerce/Technical Assistant (Engineering), Deputy Director of Industries and Commerce etc. As per G. O. (P) No. 318/78/ID dated 28-8-1978, Degree or Diploma in Automobile Engineering has been prescribed as an alternate qualification for appointment by promotion to the categories of Assistant Director (Engineering) Technical Assistant (Engineering), Superintendent, Foundry Service Centre. But promotion to the higher post of Deputy Director is denied to the persons possessing the Degree/Diploma in Automobile Engineering, as this qualification is not prescribed for the post in the Special Rules for Kerala Industries Service. This notification is intended to rectify the anomaly.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

G O. Ms. No. 198/82/LA&SWD. *Dated, Trivandrum, 24th November* 1982.

S. R. O. No. 1514/82.—In exercise of the powers conferred by sub-section (1) of section 142 of the Kerala Panchayats Act, 1960 (32 of 1960), and at the request of the Pulpally Panchayat contained in its resolution No. 51, dated the 29th June, 1981 the Government of Kerala hereby declare that the provisions of the law relating to the Municipalities mentioned in the schedule below shall be extended to and be in force in the Pulpally Panchayat area in Wynad District with effe[illegible] m the 1st day of January 1983.

SCHEDULE

Clauses (3), (4), (16), (28), (30), (33) and (39) of section 3, provisions of Chapters IX and X, sections 347, 349 to 352, 355, 359, 363, 364 and 365 in so far as they relate to matters specified in Chapters IX and X of the Kerala Municipalities Act, 1960 (14 of 1961) and the provisions regarding penalties specified in Schedules V and VI of the said Act for contravention of sections 196, 197, 202, 204, 205, 207, 209 to 213, 215, 216, 218 to 221, 224 to 227. 245, 246 and 247 of the said Act, and the Kerala Municipal Building Rules, 1963.

By order of the Governor,
MARC C. JOHN,
Deputy Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

Pulpally Panchayat in Wynad District has requested to enforce certain provisions of Kerala Municipalities Act, 1960 and Building Rules, 1963 to its area. The Director of Panchayats in consultation with the Chief Town Planner, has recommended the request of the Panchayat. In view of the same, Government accept the recommendation for enforcing the provisions and regulations shown in the schedule as requested by the Director of Panchayats. This notification is intended to achieve the above object.

Kerala Gazette No. 49 dated 14th December 1982.
PART I Section iv



GOVERNMENT OF KERALA

General Administration (Services D) Department

NOTIFICATION

G.O. (P) No. 379/82/GAD. *Dated, Trivandrum, 18th November,* 1982.

S. R. O. No. 1515/82.—In exercise of the powers conferred by section 10 read with sections 5A and 7B of the Payment of Salaries and Allowances Act, 1951 (XIV of 1951), and in supersession of the Medical Attendance to the Ministers, Speaker, Deputy Speaker, Leader of the Opposition and Members of the Legislative Assembly Rules, 1978, the Government of Kerala hereby make the following Rules, namely:—

RULES

1. (1) These Rules may be called the Medical Attendance to the Ministers, Speaker, Deputy Speaker, Leader of the Opposition, and the Members of the Legislative Assembly Rules, 1982.

(2) They shall come into force at once.

2. (a) Every Minister, the Speaker, the Deputy Speaker, the Leader of the Opposition, and the Member of the Legislative Assembly shall be entitled to reimbursement of cost of drugs purchased in open market for medical treatment of himself or the members of his family;

(b) The expenditure incurred by a Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition or the Member of the Legislative Assembly on medical treatment of himself or any member of his family when stationed or travelling outside the State shall be reimbursed to him, irrespective of whether the Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition or the Member of the Legislative Assembly is on duty or not;

(c) The counter signature of the authorised medical attendant shall be sufficient authority irrespective of the amount of the claim for reimbursement preferred by a Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition or the Member of the Legislative Assembly;

(d) No charge except the diet charges shall be levied from a Minister or the Speaker or the Deputy Speaker, or the Leader of the Opposition, or the Member of the Legislative Assembly and the members of his family if they occupy a payward in a Government Medical Institution.

3. The following arrangements shall be made by Government for the purpose of providing the medical facilities:—

(i) a Medical Attendant not below the rank of an Assistant Professor in the Medical College having a Post-graduate qualification may be appointed in consultation with the Speaker as the Authorised Medical Attendant and he shall be given an honorarium as Government may fix ;

(ii) a room in the M. L. A. Quarters, Trivandrum shall be made available to the Authorised Medical Attendant to keep his emergency kit, medicine and other essential equipments etc ;

(iii) necessary medicines, dressing meterials, equipments etc., required by the Authorised Medical Attendant shall be supplied from the Medical Stores in the Medical College Hospital, Trivandrum.

(iv) the Authorised Medical Attendant shall be available at the M.L A. quarters for consultation between 4 to 5 p. m. every day when the Assembly is in session. He shall also be available for consultation by appointment outside his normal working hours ;

(v) a male Nurse and an Attender shall be deputed from the Medical College Hospital, Trivandrum to assist the Authorised Medical Attendant. They shall be paid an allowance to be fixed by Government ;

(vi) during the days of sittings of the Legislative Assembly there shall be opened a temporary dispensary in the Legislature Secretariat Building to meet the urgent medical needs of the Legislaturs ;

(vii) an Assistant Professor of Medicine borne on the staff of the Medical College, Trivandrum, shall be deputed by the Principal of that College to the above dispensary ;

(viii) one male Nurse and one male Warder shall be deputed to the above dispensary by the Director of Health Services.

By order of the Governor,
M. MOHAN KUMAR,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

According to the amended sections 5A and 7B of the Payment of Salaries and Allowances Act, 1951, the Ministers, Speaker, Deputy Speaker, the Leader of the Opposition, the Members of the Legislative Assembly and the members of their family are entitled to free medical treatment in any Government Institution or any other Institution and to free medical attendance by any medical practitioner or other person whether in the service of Government or not. The existing Medical Attendance to Ministers, Speaker, Deputy Speaker, Leader of the Opposition and Members of the Legislative Assembly Rules, 1978, therefore require revision. This notification is intended to achieve the above objects.

To

The Accountant General, Kerala, Trivandrum (with C.L.).
The Registrar, High Court, Ernakulam ,,
The Advocate General, Ernakulam ,,
The Director of Health Services, Trivandrum.
The principal, Medical College, Trivandrum
The Special Secretary, Legislature Secretariat (12 copies)
The Finance Department
The Law Department
The Health Department.
The Secretary to Governor.
The Private Secretaries to the Chief Minister and all other Ministers.
The Deputy Secretary to the Chief Secretary.
The General Admn. (Pol. A) Department (3 copies)
The General Admn. (Accounts A & E) Dept. (5 copies)
The General Admn. (Services C) Department.

Kerala Gazette No. 49 dated 14th December 1982.
PART I **Section iv**



GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—KERALA COLLEGIATE EDUCATION SUBORDINATE SERVICE—SPECIAL RULES—AMENDMENT ISSUED

HIGHER EDUCATION (F) DEPARTMENT

G.O. (P) No. 176/82/H.Edn. Dated, Trivandrum, 15th November 1982.

NOTIFICATION

S.R.O. No. 1516/82—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Service Act, 1968. (19 of 1968), read with section 3 thereof, the Government of Kerala hereby makes the following rules further to amend the Special Rules for the Kerala Collegiate Education Subordinate Service issued under G. O. (P) 283/Public (Rules) Department dated the 2nd September, 1967 published in Part I of the Kerala Gazette No. 38 dated the 26th September, 1967, namely:—

RULES

1. *Short title and commencement*:—(1) These rules may be called the Special Rules for the Kerala Collegiate Education Subordinate Service (Amendment) Rules, 1982.

(2) *Amendment of the Rules*:—In the Special Rules for the Kerala Collegiate Education Subordinate Service, in the Annexure, after the entries in column (2) qualification against the post "Junior Lecturer in Music" in Column (1), the following Note shall be inserted namely:—

In the case of candidates who have taken their Degree in Music from the University of Calicut prior to 1980, the qualification of "proficiency in Veena" shall not be necessary for appointment to the post. They should however acquire the same within the period of their probation.

By order of the Governor,
K. SRINIVASAN,
Special Secretary to Government.

G. 1573

[P. T. O.]

Explanatory Memorandum

(This is not part of the notification but is intended to indicate its general purport).

As per the Special Rules of the Kerala Collegiate Education Subordinate Service issued in G.O. (P) 283/67/PD dated 2-9-1967, as amended in G.O. (P) 163/79/H. Edn. dated 2-8-1979, proficiency in Veena is also a qualification prescribed for appointment as Junior Lecturer in Music in Arts and Science Colleges. 'Veena' had not been offered as a subject for B.A. or M.A. Degree in Music in Colleges under Calicut University till 1977. Hence Government have decided to exempt the candidates who have taken degree from the University of Calicut prior to 1980 from acquiring 'proficiency in Veena' for appointment as Junior Lecturer in Music. This amendment is intended to achieve the above object.

To

The Director of Collegiate Education, Trivandrum
The Accountant General, Kerala, Trivandrum
The Secretary, Kerala Public Service Commission, Trivandrum with (C.L.)
The Registrar, University of Kerala, Trivandrum "
The Registrar, University of Calicut, Calicut "
The General Administration (Ser. G) Department
The General Administration (Rules) Department
The General Administration (S.C.) Department Vide Council decision dated 5-11-1982..item No. 463
The Higher Education (C) Department

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 18270/TG2/82/TF & P. *Dated, Trivandrum, 5th November, 1982.*

S. R. O. No 1518/82.—Whereas representation has been received by Government from the Stage Carriage Operator Smt. O. Sundari, T. O. V. House, Aroli P. O., (via) Pappinisseri that the arrears of vehicle tax for the quarters ended on the 30th June 1982 and 30th September, 1982 in respect of the stage carriage bearing Registration Number KLH. 2815 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of Vehicle tax in respect of this vehicle in monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarters ended on the 30th June, 1982 and 30th September, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to require the stage carriage operator to remit out of the arrears tax a sum of Rs. 2,500 immediately and to permit him to remit the balance amount for the quarters ended on the 30th June, 1982 and 30th September, 1982 in respect of the said stage carriage in equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that out of the total arrers of vehicle tax for the quarters ended on the 30th June, 1982 and 30th September, 1982 in respect of the said stage carriage ordinarily kept for use in the State Rs. 2,500 (Rupees two thousand and five hundred only) shall be paid immediately; and the balance amount shall be paid in three equal monthly instalments commencing from 1st September, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
T. SANKARAN,
Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of arrears of vehicle tax for the quarters ended 30th June, 1982 and 30th September, 1982 due to financial strain;

Government are convinced of the position and in public interest instalments facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.



GOVERNMENT OF KERALA

Health (E) Department

WITHDRAWAL NOTIFICATION

G.O. (P) No. 217. *Dated, Trivandrum, 28th September,* 1982.

S. R. O. No. 1519/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the land described in the Schedule hereto annexed in respect of which land acquisition proceedings were initiated by the Sub Collector and Land Acquisition Officer, Tellicherry by the issue of notification No. B. 13319/73 dated the 14th August 1974 under subsection (1) of section 3 thereof published at page 2521 of Part III Kerala Gazette dated the 24th September, 1974, and the declaration under section 6 of the said Act published at page 243 of Part III Kerala Gazette dated the 27th January, 1976.

SCHEDULE

District—Cannanore.

Taluk– Cannanore. *Amsom and Desom*—Kadannappally.

Sy. No.—R. S. No. 270
Description—Garden
Extent—6.8400 hectare

Explanatory Note

(This is not a part of the Notification but is intended to indicate its general purport.)

There is a proposal to acquire 6.8400 hectare of land situated in R.S.No. 270 (Original No. 256/IB2) of Kadannappally amsom and deson in Gannanore Taluk for T. B. Sanatorium, Pariyaram. The occupancy right of the above property is with the Government and therefore the jenmom right is alone to be acquired in this case. It is informed that the jenmom right of the property has been assigned to the Health Department as per S.M.P. No. 550/79 dated 11-8-1980 of the Land Tribunal No. II. Payyannur. Hence no acquisition proceedings is required further in this case. It is therefore necessary to withdraw from the acquisition. The notification is intended to achieve the above object.

എസ്. ആർ. ഒ. നമ്പർ 1519/82.— 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ചു ചേർത്ത പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1974 സെപ്റ്റംബർ 24-ാം തീയതിയിലെ കേരള ഗസററ് 3-ാം ഭാഗത്ത് 2521-ാം പേജിൽ പ്രസിദ്ധപ്പെടുത്തിയതു സംബന്ധിച്ചുള്ള 3-ാം വകുപ്പ് (1)-ാം ഉപ വകുപ്പു പ്രകാരമുള്ള 1974 ആഗസ്ററ് 14-ാം തീയതിയിലെ ബി-13319/73 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ടും 1976 ജനുവരി 27-ാം തീയതിയിലെ കേരളാ ഗസററിൽ 3-ാം ഭാഗത്ത് 243-ാം പേജിൽ പരസ്യപ്പെടു ത്തിയ പ്രസ്തുത ആക്ററിലെ 6-ാം വകുപ്പുപ്രകാരമുള്ള പ്രഖ്യാപനം പുറ പ്പെടുവിച്ചുകൊണ്ടും തലശ്ശേരി സബ് കളക്ടററും സ്ഥലമെടുപ്പ് ഓഫീ സറും സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെ ടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കണ്ണൂർ | താലൂക്ക്—കണ്ണൂർ

അംശവും ദേശവും—കടന്നപ്പള്ളി

സർവ്വെ നമ്പർ—ആർ. എസ്. നമ്പർ 270

വിവരണം—പുരയിടം

വിസ്തീർണ്ണം—6.8400 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

പരിയാരം ടി. ബി. സാനിട്ടോറിയത്തിനുവേണ്ടി കണ്ണൂർ താലൂക്കിൽ കടന്നപ്പള്ളി അംശം ദേശത്ത് ആർ. എസ്. 270 എന്ന നമ്പരിൽ (അസ്സൽ നമ്പർ 256/1ബി 2) പെട്ട 6.8400 ഹെക്ടർ ഭൂമി വിലയ്ക്കെടുക്കുവാൻ ഉദ്ദേശിച്ചിരുന്നു. മുകളിൽ പറഞ്ഞ ഭൂമിയുടെ കൈവശാവകാശം സർക്കാരിൽ ഉണ്ടായിരിക്കുന്നതിനാൽ ജൻമാവകാശം മാത്രമേ ഈ കാര്യത്തിൽ വാങ്ങേണ്ടതാ യിട്ടുള്ളൂ. പയ്യന്നൂർ 2-ാം നമ്പർ ലാൻറ് ട്രിബ്യൂണലിന്റെ 11-8-1980 തീയതി യിലെ എസ്. എം. പി. 550/79 നമ്പർ പ്രകാരം വസ്തുവിന്റെ ജൻമാവകാശം ആരോഗ്യവകുപ്പിന് പതിച്ചു കൊടുത്തിട്ടുണ്ടെന്ന് അറിയിച്ചിരിക്കുന്നു. അതുകൊണ്ട് ഇക്കാര്യത്തിൽ വിലയ്ക്കെടുക്കുവാൻ നടപടി ആവശ്യമില്ലാതെ വന്നു. അതിനാൽ വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും പിൻവാങ്ങേണ്ടത് ആവശ്യ മായിരിക്കുന്നു. മേൽപ്പറഞ്ഞ ആവശ്യം നിറവേററാൻ ഉദ്ദേശിച്ചുകൊണ്ടാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

R. Ramachandran Nair,

Special Secretary to Government.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

G. ●. (Rt.) No. 3599/82/LA & SWD.

Dated, Trivandrum, 12th N vember 1982.

S.R.O. No. 1520/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the lands mentioned in the schedule below in respect of which land acquisition proceedings were initiated by the Tahsildar, Thiruvalla by the issue of Notification No. B4-713/72 dated the 7th March, 1974 under sub-section (1) of section 3 of the said Act published at page 1028 Part III of the Kerala Gazette dated the 16th April, 1974 and the declaration under section 6 of the said Act published at pages 1702 and 1703 Part III of the Kerala Gazette dated the 29th July 1975.

SCHEDULE

District—Alleppey.

Taluk—Thiruvalla. *Village*—Puramattom.

(The extent given is approximate)

Sl. No.	*Sy. No.*	*Description*	*Extent Ares*
1	678/6A.4	Dry	1.50
2	678/6A 8	Dry	2.55
		Total	4.05

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The acquisition proceedings in respect of the land mentioned in the Notification have been withdrawn on the basis of the request of the Executive Officer, Puramattom Panchayat (Requisitioning authority).

എസ്. ആർ. ഒ. നമ്പർ 1520/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ചു ചേർത്ത പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1974 ഏപ്രിൽ 16-ാം തീയതിയിലെ കേരളാ ഗസററിൽ 3-ാം ഭാഗത്ത് 1028-ാം പേജിൽ പ്രസിദ്ധപ്പെടുത്തിയ 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള 1974 മാർച്ച് 7-ാം തീയതിയിലെ ബി 4-713/72 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ടും 1975 ജൂലൈ 29-ാം തീയതിയിലെ കേരള ഗസററിൽ 3-ാം ഭാഗത്ത് 1702-ം 1703 പേജുകളിൽ പ്രസ്തുത ആക്ററിലെ 6-ാം വകുപ്പുപ്രകാരമുള്ള പ്രഖ്യാപനം പ്രസിദ്ധപ്പെടുത്തികൊണ്ടും തിരുവല്ല തഹശീൽദാർ സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽനിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—ആലപ്പുഴ | താലൂക്ക്—തിരുവല്ല

വില്ലേജ്—പുറമററം

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ആർ)
1	678/6എ 4	പുരയിടം	1.50
2	678/6എ 8	പുരയിടം	2.55
		ആകെ	4.05

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ ഇതിന്റെ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

പുറമററം പഞ്ചായത്ത് എക്സിക്യൂട്ടീവ് ആഫീസറുടെ (റിക്യൂസിഷനിംഗ് അതോറിററി) അപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ വിജ്ഞാപനത്തിൽ സൂചിപ്പിച്ചിരിക്കുന്ന ഭൂമി സംബന്ധിച്ച സ്ഥലമെടുപ്പു നടപടികൾ പിൻവലിച്ചിരിക്കുന്നു.

By order of the Governor,

MARC. C. JOHN,

Deputy Secretary to Government.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-B) Department

NOTIFICATION

G. O. Rt. No. 830/82/TF & P. *Dated, Trivandrum, 5th October* 1982.

S. R. O. No. 1521/82.—Whereas the Secretary, Travancore Devaswom Board has completed construction of a bus body on a 210 W B. Chassis, the details of which are hereunder given, for the purpose of plying it as a contract carriage ;

And whereas, the overall width, overall length and overhang of the said vehicle exceed the limits prescribed under sub-rule (1) of rule 265, sub-rule (2) of rule 267 and rule 294 respectively of the Kerala Motor Vehicles Rules, 1961 ;

And whereas, the Government of Kerala are satisfied that the said vehicle can conveniently be used as a contract carriage with such excess measurements;

Now, therefore, in exercise of the powers conferred by rule 268 of the Kerala Motor Vehicles Rules, 1961, the Government of Kerala hereby exempt the said vehicle from the provisions of sub-rule (1) of rule 265, sub-rule (2) of rule 267 and rule 294 of the said Rules;

DETAILS OF THE VEHICLE

Model—Ashok Leyland Cheetah
Engine No.—ALI 114517
Chassis No.—ALD 131739
Overall width—250 Centimetres
Overall length—980 Centimetres
Overall height—325 Centimetres
Overhang—320 Centimetres
Wheel base—533.4 Centimetres

By order of the Governor,
T. SANKARAN,
Additional Secretary to Government.

Explanatory Note

(This is not part of the notification but is intended to indicate its main purport).

The Secretary, Travancore Devaswom Board, Nanthancode, Trivandrum, has requested Government to exempt the vehicle mentioned in the above notification from the provisions of sub-rule (1) of rule 265 sub-rule (2) of rule 267 and rule 294 of the Kerala Motor Vehicles Rules, 1961. Government have decided to grant the exemption sought for. Hence, this notification.

G. 1368.



GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G. O. (P) No. 155/82/G. Edn. *Dated Trivandrum 1st November* 1982.

S. R. O. No. 1522/82:—In exercise of the powers conferred by section 36 of the Kerala Education Act, 1958 (6 of 1959), the Government of Kerala hereby make the following Rules further to amend the Kerala Education Rules, 1959 namely:—

RULES

1. *Short title and commencement*:—(1) These rules may be called the Kerala Education (Amendment) Rules, 1982.

(2) They shall come into force atonce.

2. *Amendment of the Rules*:—In the Kerala Education Rules, 1959, in Chapter XXIII, in rule 6 G,—

(1) for the words and figures, "not less than 20 pupils learning the language in that Standard", the following shall be substituted, namely:—

"not less than 12 pupils learning the language in Standard V, and not less than 10 pupils learning the language in Standard VIII".

(2) for the words and figures, "the total number of pupils to learn that language in Standard V and VI or VIII and IX together shall not be less than 30", the following shall be substituted, namely:—

"the total number of pupils to learn that language in standards V, VI and VII together shall not be less than 30 and in Standards VIII, IX and X together shall not be less than 25".

By order of the Governor,

P. K. UMASHANKAR,
Commissioner and Special Secretary to Government.

G. 1370 [P.T.O.]

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport).

The figures and words '20 pupils' and the Standards V and VI occurring in Rule 6 C and the figures and words '20 pupils' and the Standards VIII and IX occurring in Rule 6 E. respectively of Chapter XXIII K. E. R. have since been amended as '12 pupils' and the Standards as V, VI and VII in Rule 6 C and as VIII, IX, and X in Rule 6 E. Subsequently the figures '12' and '30' occurring in Rule 6 E have been amended to '10' and '25' respectively. But consequential amendments have not been made in Rule 6 G which regulate the sanctioning of posts of similar categories of teachers in High Schools with Upper Primary Section attached. The present amendment is intended to make consequential changes in Rule 6 G. Hence the amendment.



GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G O (P) No. 161/82/G. Edn *Dated, Trivandrum, 5th November* 1982

S. R. O. No. 1523/82—In exercise of the powers conferred by section 36 of the Kerala Education Act, 1958 (6 of 1959), the Government of Kerala hereby make the following Rules further to amend the Kerala Education Rules, 1959, namely:—

Rules

1. *Short title and commencement*:—(1) These Rules may be called the Kerala Education (Amendment) Rules, 1982.

(2) They shall come into force at once.

2. *Amendment of the Rules*:—In the Kerala Education Rules, 1959, in Chapter XXV, in rule 10, for the figures and words "26 years of age" the figures and words "31 years of age" shall be substituted.

By order of the Governor,

P. K. UMASHANKAR,

Commissioner and Special Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purpose.)

In G. O. (MS) 53/82/G. Edn dated 4-7-1982 it has been ordered that the maximum age limit for admission to T. T. C. will be raised to 31 years on the first day of July of the year in which notification inviting application is published in the Gazette with usual relaxation to scheduled castes and scheduled tribes and backward classes candidates. The present amendment is to give statutory validity to the above decision.

Kerala Gazette No. 49 dated 14th December 1982.
PART I **Section iv**

GOVERNMENT OF KERALA

Agriculture (Co-operation) Department

ORDER

G. O. (Ms) No. 313/82/AD. *Dated, Trivandrum, 30th October* 1982.

S. R. O. No. 1524/82.—Whereas under sub-rule (1) of rule 56 of the Kerala Co-operative Societies Rules, 1969, no financing Bank or Credit Society, other than an Agricultural Credit Society with unlimited liability, a Land Mortgage Bank and a Society, the object of which is to grant long term loans exclusively on the mortgage of immovable properties, shall grant loans for periods exceeding five years;

And, whereas the Alathur Co-operative Marketing Society has applied for a Block Capital Loan of Rs. 3 lakhs for a period of ten years from the Palghat Co-operative Central Bank Limited, Palghat to set right the deficit in cover for its borrowings from the Central Bank;

And, whereas the said Palghat Co-operative Central Bank Limited has requested for exemption from the provisions of sub-rule (1) of rule 56 of the said rules so as to enable them to grant the said loan to the Alathur Marketing Co-operative Society;

And, whereas the period of repayment of the loan exceeds five years;

And, whereas the Government are satisfied that it is necessary in the public interest to exempt the Palghat Co-operative Central Bank Limited, Palghat from the provisions of sub-rule (1) of rule 56 of the Kerala Co-operative Societies Rules, 1969 for enabling the said Bank to grant the said loan;

Now, therefore, in exercise of the powers conferred by rule 181 of the Kerala Co-operative Societies Rules, 1969 the Government of Kerala hereby exempt the Palghat Co-operative Central Bank Limited, Palghat from the provisions of sub-rule (1) of rule 56 of the said Rules, for the limited purpose of enabling the said Bank to grant a block capital loan of Rs. 3 lakhs to the Alathur Co-operative Marketing Society for a period of 10 years to set right the deficit in cover of the said society for its borrowings from the Central Bank.

By order of the Governor,
A. T. Mohammed Unni,
Additional Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Alathur Co-operative Marketing Society has applied for a Block Capital loan of Rs. 3 lakhs for a period of 10 years from the Palghat Co-operative Central Bank to set right the deficit in cover for its borrowing from the Central Bank. The Palghat Co-operative Central Bank has requested to grant exemption from the Rules to enable it to sanction long term loan to the Society. Government found it necessary to give exemption to the Palghat Co-operative Central Bank from the provisions restricting long term loaning so as to enable it to sanction Block Capital loan of Rs. 3 lakhs to the Alathur Co-operative Marketing Society.

The notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 51979/B1/82/RD. *Dated, Trivandrum, 9th December* 1982.

S.R.O. No. 1532/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the lands mentioned in the schedule hereto annexed in respect of which land acquisition proceedings were initiated by the issue of the notification No. A4. 159/79 dated the 27th April, 1979 under subsection (1) of section 3 of the said Act published at pages 9 and 10 of Part III of the Kerala Gazette dated the 7th August, 1979 and the declaration No. 40096/80/LRC3 dated the 3rd December, 1980 under section 6 of the said Act published in the Malayala Manorama and Mathrubhoomi Dailies dated the 4th January, 1981 and the 5th January 1981, respectively.

SCHEDULE

District—Ernakulam

Taluk—Kothamangalam. *Village*—Kothamangalam.

Sl.No.	*Survey No.*	*Description*	*Extent (hectares)*
1.	1321/9 E1-2	Dry	0.1700
2.	1321/9 E2-3	,,	1.0940
3.	1321/9 E2-5	,,	0.0111
4.	1321/9 E3-6	,,	0.0327
5.	1321/9 E3-7	,,	0.0379
6.	1321/9 F1/Part 8	,,	0.1032
7.	1321/9 F2/Part 9	,,	0 1174
		Total	1.5663

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

The Kerala State Housing Board as per resolution No. 26 dated 31-10-1978 requisitioned for the acquisition of land mentioned in the Schedule for implementing Kothamangalam Housing Accommodation Scheme and Land Acquisition Proceedings were initiated accordingly. Award was

passed on 31-1-1981 for an extent of 2.0974 Hectares and an extent of 0.5334 Hectares (1.33 Acres) was also taken possession and handed over to the Housing Board. The Housing Board has now stated that this 1.33 Acres of land is not required by it and that only 1 Acre of land at the road side may be net apart for Housing Board. The land owner is not agreeable to this proposal. The sugsestion was also not acceptable to Government as it is not in conformity with the provisions of K.L.A. Act. So Government in their letter No. 68195/B1/80/RD dated 4-2-1982 ordered that the land acquisition proceedings in respect of the entire area will be withdrawn and fresh proceedings will be initiated for the acquisition of one Acre of land to be pointed but by the Housing Board. The withdrawal of the lands the possession of which was taken is not possible under section 52 of the Kerala Land Acquisition Act and the acquisition proceedings of the remaining extent coming under the Schedule has to be withdrawn. Hence this withdrawal notification.

എസ്. ആർ. ഒ. നമ്പർ **1532**/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം, കേരളാ സർക്കാർ ഇതോട് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1979 ഏപ്രിൽ 27-ാം തീയതിയിലെ എ4.159/79 എന്ന നമ്പർ വിജ്ഞാപനം 1979 ആഗസ്റ്റ് 7-ാം തീയതിയിലെ കേരള ഗസറ്റ് III-ാം ഭാഗം 9-ം 10-ം പേജുകളിലും പ്രസ്തുത ആക്റ്റ് 6-ാം വകുപ്പു പ്രകാരം 1980 ഡിസംബർ 3-ാം തീയതിയിലെ എൽ. ആർ. സി. 3.40096/80 എന്ന നമ്പർ പ്രഖ്യാപനം യഥാക്രമം 1981 ജനുവരി 4-ാം തീയതിയിലേയും 1981 ജനുവരി 5-ാം തീയതിയിലേയും മലയാള മനോരമ, മാതൃഭൂമി എന്നീ ദിനപ്പത്രങ്ങളിലും പ്രസിദ്ധപ്പെടുത്തിക്കൊണ്ട് സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—എറണാകുളം

താലൂക്ക്—കോതമംഗലം

വില്ലേജ്—കോതമംഗലം

ക്രമ നമ്പർ	സർവ്വെ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
1.	1321/9 ഇ1-2	പുരയിടം	0.1700
2.	1321/9 ഇ2-3	,,	1.0940
3.	1321/9 ഇ2-5	,,	0.0111
4.	1321/9 ഇ3-6	,,	0.0327
5.	1321/9 ഇ3-7	,,	0.0379
6.	1321/9 എഫ്1/ഭാഗം 8		0.1032
7.	1321/9 എഫ്2/ഭാഗം 9		0.1174
		ആകെ	1.5663

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല, എന്നാൽ അത് പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിനുദ്ദേശിച്ചുള്ളതാണ്).

കേരള സംസ്ഥാന ഭവനനിർമ്മാണബോർഡ് 31-10-1978-ലെ 26-ാം നമ്പർ പ്രമേയപ്രകാരം കോതമംഗലം ഭവന നിർമ്മാണ പദ്ധതി നടപ്പിലാക്കുന്നതിനുവേണ്ടി പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി വിലയ്ക്കെടുക്കുന്നതിന് ആവശ്യപ്പെട്ടതനുസരിച്ച് സ്ഥലമെടുപ്പു നടപടികൾ ആരംഭിച്ചിരുന്നു. 31-1-1981-ൽ 2.0974 ഹെക്ടർ വിസ്തീർണ്ണത്തിനും, 0.5334 ഹെക്ടർ വിസ്തീർണ്ണത്തിനും (1.33 ഏക്കർ) അവാർഡു പാസ്സാക്കുകയും കൈവശമെടുത്ത് ഭവനനിർമ്മണബോഡിന് കൈമാറുകയും ചെയ്തു. 1.33 ഏക്കർ സ്ഥലം അവർക്ക് ആവശ്യമില്ലെന്നും റോഡരികിൽ 1 ഏക്കർ സ്ഥലം ഭവന നിർമ്മാണബോർഡിനുവേണ്ടി മാററിക്കൊടുക്കേണ്ടതാണെന്നും ഭവനനിർമ്മാണബോർഡ് ഇപ്പോൾ പറയുന്നു. ഭൂവുടമയ്ക്ക ഈ നിർദ്ദേശത്തോട് യോജിപ്പില്ല. കേരള സ്ഥലമെടുപ്പ് ആക്ററിലെ വ്യവസ്ഥകൾക്കനുസൃതമല്ലാത്തതിനാൽ ഈ നിർദ്ദേശം സർക്കാരിനും സ്വീകാര്യമല്ല. ആകയാൽ സർക്കാർ 4-2-1982-ലെ 68195/ബി1/80 ആർ. ഡി. എന്ന നമ്പർ കത്തിൽ പ്രസ്തുത മുഴുവൻ സ്ഥലത്തേയും സംബന്ധിച്ച് സ്ഥലമെടുപ്പ് നടപടികൾ പിൻവലിക്കുമെന്നും ഭവനനിർമ്മാണബോർഡ് പറയുന്ന ഒരേക്കർ വിലയ്ക്കെടുക്കലിനുവേണ്ടി പുതിയതായി നടപടികൾ ആരംഭിക്കുമെന്നും ഉത്തരവു പുറപ്പെടുവിച്ചു. ഏറെറടുത്ത സ്ഥലത്തു നിന്നുമുള്ള പിൻവാങ്ങൽ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് 52-ാം വകുപ്പു പ്രകാരം സാദ്ധ്യമല്ലാത്തതും ഈ പട്ടികയിൽ വരുന്ന ബാക്കി സ്ഥലത്തിന്റെ സ്ഥലമെടുപ്പു നടപടികളിൽ നിന്നും പിൻവാങ്ങേണ്ടതുമാണ്. അതുകൊണ്ടാണ് ഈ പിൻവാങ്ങൽ വിജ്ഞാപനം.

By order of the Governor,

K. NARAYANAN,

Deputy Secretary to Government.

Kerala Gazette No. 49 dated 14th December 1982.
PART I Section iv



GOVERNMENT OF KERALA

General Administration (Services-D) Department

NOTIFICATION

G. O. (P) No. 409/82/GAD. *Dated, Trivandrum, 13th December* 1982.

S. R. O. No. 1533/82.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Servicees Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following Rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1982.

(2) They shall come into force at once.

2. *Amendment of Rule.* 17.—In Part II of the Kerala State and Subordinate Services Rules, 1958,—

(1) for sub-rule (2) of rule 17, the following sub-rule shall be substituted, namely:—

"(2) (a). The 40% reservation allowed to Other Backward Classes shall be distributed among the different groups of Backward Classes in the following proportion:—

(i) For direct recruitment to posts included in the Kerala Last Grade Service.

Out of every 40 appointments, 11 shall be given to Ezhavas, Thiyyas and Billavas, 10 to Muslims, 4 to Latin Catholics and Anglo-Indians, 3 to Nadars (Hindu Nadars and Nadars included in S.I.U C), 2 to Scheduled Caste Converts to Christianity, 2 to Viswakarmas, 2 to Dheevaras and 6 to Other Backward Classes put together.

(ii) For direct recruitment to posts other than those included in the Kerala Last Grade Service.

Out of every 40 appointments, 14 shall be given to Ezhavas, Thiyyas and Billavas, 12 to Muslims, 4 to Latin Catholics and Anglo-Indians 2 to Nadars (Hindu Nadars and Nadars included in S I.U.C.), 1 to Scheduled Caste Converts to Christianity, 3 to Viswakarmas, 1 to Dheevaras and 3 to Other Backward Classes put together.

(b) The following shall be the rotation by which posts reserved for Other Backward Classes will be distributed among the various groups coming under the class:—

(i) For direct recruitment to posts included in the Kerala Last Grade Service

1 Ezhavas, Thiyyas and Billavas
2 Muslims
3 Latin Catholics and Anglo Indians
4 Other Backward Classes
5 Ezhavas, Thiyyas and Billavas
6 Muslims
7 Dheevaras
8 Viswakarmas
9 Latin Catholics and Anglo-Indians
10 Muslims
11 Ezhavas, Thiyyas and Billavas
12 Other Backward Classes
13 Ezhavas, Thiyyas and Billavas
14 Muslims
15 Nadars (Hindu Nadars and Nadars included in S.I.U.C.)
16 Other Backward Classes
17 Ezhavas, Thiyyas and Billavas
18 Muslims
19 Scheduled Caste Converts to Christianity
20 Other Backward Classes
21 Ezhavas, Thiyyas and Billavas
22 Muslims
23 Ezhavas, Thiyyas and Billavas
24 Nadars (Hindu Nadars and Nadars included in S.I.U.C.)
25 Scheduled Caste Converts to Christianity
26 Muslims
27 Latin Catholics and Anglo-Indians
28 Other Backward Classes
29 Ezhavas, Thiyyas and Billavas
30 Muslims
31 Ezhavas, Thiyyas and Billavas
32 Nadars (Hindu Nadars and Nadars included in S.I.U.C.)
33 Ezhavas, Thiyyas and Billavas
34 Muslims
35 Dheevaras
36 Other Backward Classes

37 Latin Catholics and Anglo-Indians
38 Muslims
39 Ezhavas, Thiyyas and Billavas
40 Viswakarmas

Explanation:—The expression "Other Backward Classes" referred to in items 4, 12, 16, 20, 28 and 36 shall mean Backward Classes referred to in item 8 under sub-rule (1) of this rule.

(ii) For direct recruitment to posts other than those included in the Kerala Last Grade Service.

1 Ezhavas, Thiyyas and Billavas
2 Muslims
3 Latin Catholics and Anglo Indians
4 Other Backward Classes
5 Ezhavas, Thiyyas and Billavas
6 Muslims
7 Ezhavas, Thiyyas and Billavas
8 Viswakarmas
9 Latin Catholics and Anglo Indians
10 Muslims
11 Ezhavas, Thiyyas and Billavas
12 Muslims
13 Ezhavas, Thiyyas and Billavas
14 Muslims
15 Nadars (Hindu Nadars and Nadars included in S.I.U.C.)
16 Other Backward Classes
17 Ezhavas, Thiyyas and Billavas
18 Muslims
19 Scheduled Caste converts to Christianity
20 Dheevaras
21 Ezhavas, Thiyyas and Billavas
22 Muslims
23 Ezhavas, Thiyyas and Billavas
24 Nadars (Hindu Nadars and Nadars included in S.I.U.C)
25 Ezhavas, Thiyyas and Billavas
26 Muslims
27 Latin Catholics and Anglo Indians
28 Viswakarmas
29 Ezhavas, Thiyyas and Billavas
30 Muslims
31 Ezhavas, Thiyyas and Billavas
32 Muslims
33 Ezhavas, Thiyyas and Billavas
34 Muslims
35 Ezhavas, Thiyyas and Billavas
36 Other Backward Classes
37 Latin Catholics and Anglo Indians

38 Muslims
39 Ezhavas, Thiyyas and Billavas
40 Viswakarmas

Explanation.—The expression "Other Backward Classes" referred to in items 4, 16 and 36 shall mean Backward Classes referred to in item 8 under sub-rule (1) of this rule";

(2) for the Annexure the following Annexure shall be substituted, namely:—

"ANNEXURE

(*See* rule 15)

I. For direct recruitment to posts included in the Kerala Last Grade Service.

1 Open competition
2 Ezhavas, Thiyyas and Billavas
3 Open competition
4 Scheduled Castes
5 Open competition
6 Muslims
7 Open competition
8 Latin Catholics and Anglo Indians
9 Open competition
10 Other Backward Classes
11 Open competition
12 Scheduled Castes
13 Open competition
14 Ezhavas, Thiyyas and Billavas
15 Open competition
16 Muslims
17 Open competition
18 Dheevaras
19 Open competition
20 Viswakarmas
21 Open competition
22 Latin Catholics and Anglo Indians
23 Open competition
24 Scheduled Castes
25 Open competition
26 Muslims
27 Open competition
28 Ezhavas, Thiyyas and Billavas
29 Open competition
30 Other Backward Classes
31 Open competition
32 Scheduled Castes

33 Open competition
34 Muslims
35 Open competition
36 Muslims
37 Open competition
38 Nadars (Hindu Nadars and Nadars included in S.I.U.O.)
39 Open competition
40 Other Backward Classes
41 Open competition
42 Ezhavas, Thiyyas and Billavas
43 Open competition
44 Scheduled Tribes
45 Open competition
46 Muslims
47 Open competition
48 Scheduled Castes converts to Christianity
49 Open competition
50 Other Backward Classes
51 Open competition
52 Scheduled Castes
53 Open competition
54 Ezhavas, Thiyyas and Billavas
55 Open competition
56 Muslims
57 Open competition
58 Ezhavas, Thiyyas and Billavas
59 Open competition
60 Nadars (Hindu Nadars and Nadars included in S.I.U.C.)
61 Open competition
62 Scheduled Caste converts to Christianity
63 Open competition
64 Scheduled Castes
65 Open competition
66 Muslims
67 Open competition
68 Latin Catholics and Anglo-Indians
69 Open competition
70 Other Backward Classes
71 Open competition
72 Scheduled Castes
73 Open competition
74 Ezhavas, Thiyyas and Billavas
75 Open competition
76 Muslims
77 Open competition
78 Ezhavas, Thiyyas and Billavas
79 Open competition
80 Nadars (Hindu Nadars and Nadars included in S.I.U.C.)

81 Open competition
82 Ezhavas, Thiyyas and Billavas
83 Open competition
84 Scheduled Castes
85 Open competition
86 Muslims
87 Open competition
88 Dheevaras
89 Open competition
90 Other Backward Classes
91 Open competition
92 Scheduled Tribes
93 Open competition
94 Latin Catholics and Anglo-Indians
95 Open competition
96 Muslims
97 Open competition
98 Ezhavas, Thiyyas and Billavas
99 Open competition
100 Viswakarmas

Explanation:—The expression "Other Backward Classes" referred to in items 10, 30, 40, 50, 70 and 90 shall mean Backward Classes referred to in item 8 under sub-rule (1) of rule 17.

II. For direct recruitment to posts other than those included in the Kerala Last Grade Service.

1 Open competition
2 Ezhavas, Thiyyas and Billavas
3 Open competition
4 Scheduled Castes
5 Open competition
6 Muslims
7 Open competition
8 Latin Catholics and Anglo-Indians
9 Open competition
10 Other Backward Classes
11 Open competition
12 Scheduled Castes
13 Open competition
14 Ezhavas, Thiyyas and Billavas
15 Open competition
16 Muslims
17 Open competition
18 Ezhavas, Thiyyas and Billavas
19 Open competition
20 Viswakarmas
21 Open competition

22 Latin Catholics and Anglo-Indians
23 Open competition
24 Scheduled Castes
25 Open competition
26 Muslims
27 Open competition
28 Ezhavas, Thiyyas and Billavas
29 Open competition
30 Muslims
31 Open competition
32 Scheduled Castes
33 Open competition
34 Ezhavas, Thiyyas and Billavas
35 Open competition
36 Muslims
37 Open competition
38 Nadars (Hindu Nadars and Nadars included in S.I.U.C.)
39 Open competition
40 Other backward Classes
41 Open competition
42 Ezhavas, Thiyyas and Billavas
43 Open competition
44 Scheduled Tribes
45 Open competition
46 Muslims
47 Open competition
48 Scheduled Caste converts to Christianity
49 Open competition
50 Dheevaras
51 Open competition
52 Scheduled Castes
53 Open competition
54 Ezhavas, Thiyyas and Billavas
55 Open competition
56 Muslims
57 Open competition
58 Ezhavas, Thiyyas and Billavas
59 Open competition
60 Nadars (Hindu Nadars and Nadars included in S.I U.C.)
61 Open competition
62 Ezhavas, Thiyyas and Billavas
63 Open competition
64 Scheduled Castes
65 Open competition
66 Muslims
67 Open competition
68 Latin Catholics and Anglo-Indians
69 Open competition

70 Viswakarmas
71 Open competition
72 Scheduled Castes
73 Open competition
74 Ezhavas, Thiyyas and Billavas
75 Open competition
76 Muslims
77 Open competition
78 Ezhavas, Thiyyas and Billavas
79 Open competition
80 Muslims
81 Open competition
82 Ezhavas, Thiyyas and Billavas
83 Open competition
84 Scheduled Castes
85 Open competition
86 Muslims
87 Open competition
88 Ezhavas, Thiyyas and Billavas
89 Open competition
90 Other backward Classes
91 Open competition
92 Scheduled Tribes
93 Open competition
94 Latin catholics and Anglo-Indians
95 Open competition
96 Muslims
97 Open competition
98 Ezhavas, Thiyyas and Billavas
99 Open competition
100 Viswakarmas

Explanation:—The expression "Other Backward Classes" referred to in items 10, 40 and 90 shall mean Backward Classes referred to in item (8) under sub-rule (1) of rule 17".

By order of the Governor,

M. Mohan Kumar,

Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport)

In G. O. (P) No. 113/82/GAD dated 31st March 1982, Oovernment have ordered that for direct recruitment to posts included in the Kerala Last Grade Service, out of every 40 appointments, three shall be given to Nadars (Hindu Nadars and Nadars included in S.I.U.C.) and six shall

he to other Backward Classes put together. So also, for direct recruitment to posts other than those included in the Kerala Last Grade Service, out of every 40 appointments, two shall be to Nadars (Hindu Nadars and Nadars included in S.I.U.C.) and three shall be to Other Backward Classes put together. This notification is intended to amend the rules to incorporate the above change.

To

All Heads of Departments and Offices
The Secretary, Kerala Public Service Commission (with C.L.)
All Departments of the Secretariat (all sections) S. F.
The Registrar, High Court of Kerala, Ernakulam (with C.L.
The Registrars University of Kerala/Calicut/Cochin ,,
The Registrar, Agricultural University, Trichur ,,
The Advocate General, Ernakulam ,,
The Secretary, Kerala State Electricity Board ,,
The General Manager, Kerala State Road Transport Corporation, Trivandrum ,,
The Secretary to Governor
The Under Secretary to Chief Secretary.

G. 1827

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (D) Department

NOTIFICATION

G. O. Rt. No. 3841/82/LA&SWD. *Dated, Trivandrum, 4th December,* 1982.

S. R. O. No. 1534/82.—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri M. Madhava Kurup, Councillor, Ward No. I of the Trichur Municipal Council has been elected as the Chairman of the said Municipal Council at its meeting held on the 10th June, 1982.

By order of the Governor,

MARC C. JOHN,
Deputy Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The Trichur Municipal Council, Trichur has elected Shri M. Madhava Kurup as its Chairman in its meeting held on 10-6-1982. Under section 36 of the Kerala Municipalities Act the election of the Chairman has to be notified in the Gazette. The notification is intended to achieve the above object.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1982.

33/1560/MC.